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THE

EDINBURGH REVIEW,

JANUARY, 1865.

No. CCXLVII.

ART. I.—*The History of Normandy and of England.* By Sir FRANCIS PALGRAVE, K.H. Volumes III. and IV. London: 1864.

IT has been the lot of several of the first historical writers of the present age to be cut off while still engaged on the works which were to be the main foundation of their fame, and to leave behind them mere fragments, mere specimens of an intended whole. The same fate which has left us bare instalments of the greatest works of Arnold, Prescott, and Macaulay has overtaken Sir Francis Palgrave also while he had still advanced but little beyond the beginning of the great task which he had set himself. That it should be so in his case was indeed no matter for wonder. He had already made two beginnings of what may be looked on as really the same work, and had brought neither of them to completion. Neither his quarto 'History of the English Commonwealth' nor his duodecimo 'History of England' ever got beyond those first portions of each which were published more than thirty years ago. Sir Francis Palgrave, instead of continuing either, began his work over again on a third plan, and left the third attempt even more unfinished than either of those which had gone before it. His earlier works, unfinished in one sense, because they were designed to be continued, were finished histories in another sense, because both were completed down to a definite period. But the third work, of which the posthumous portions are now before us, though it is carried on several years further than either of its predecessors, is more fragmentary than either. It does not break off at any well-defined point, but it ends abruptly when a remarkable reign has just begun, and it leaves a most important, and, we may

add, most probable, theory barely hinted at and not even begun to be worked out. Add to this, not only that large portions of these volumes have not received the author's last corrections, but that the very crisis of the whole story is left untold. We have William's reign in Normandy and we have his reign in England, but the great event which transferred him from Normandy to England is left out of the history. We have no right to complain if Sir Francis Palgrave found it convenient to write some of the later parts of his history before the earlier. But it is most unfortunate for himself and for his readers that the part which was put off for later composition should be precisely that on which the whole narrative hinges. The first and greatest stage of the Conquest, the landing at Pevensey and the fight at Senlac, have to be supplied from the small history which was published thirty years ago, and which most certainly does not represent the matured state of Sir Francis Palgrave's knowledge and reflection.

Of the two volumes before us, the second, that is the fourth of the whole series, may be looked on as a finished work, and may be judged accordingly. We gather from Mr. Palgrave's dedication to the Master of the Rolls that some corrections in it were contemplated, but not enough to have seriously affected its character. The volume, as it stands, 'represents, on the whole, his father's maturest judgment on the 'events narrated.' But of the first volume three chapters only, and those the three which have the least bearing upon English history, were revised by the author. The remainder of the volume, that is the whole reign of William the Conqueror, is all more or less unfinished. Those parts which had been worked into a continuous narrative have not received the author's final revision, while other parts are altogether fragmentary, patched up out of materials left by Sir Francis Palgrave, but never worked by him into shape. Unhappily this is the case with the most important chapter of the whole work, that on the results of the Conquest. That chapter contains hints which make us long to see them worked out at length; but it contains little beyond hints. With the most important piece of dissertation thus utterly fragmentary, and with the most important piece of narrative altogether wanting, we have indeed the spring taken out of our year.

It follows then that no part of the work, except the fourth volume and the first three chapters of the third, is a subject for criticism strictly so called. The remaining parts it is our duty to examine, to accept or reject the statements and views which

they contain, but in so doing we do not feel that we are criticising Sir Francis Palgrave. We have no certainty that the statements themselves, still less that the forms in which they are put, are those which Sir Francis Palgrave's mature judgment would have finally given to the world. Not that we are at all sure that these parts of the book would always have been improved by receiving the author's final revision. In point of form, at all events, Sir Francis Palgrave's second thoughts were by no means always his best. We suppose that no one will read through these two volumes without acknowledging their vast superiority, as a book to be read, over the volumes which went before them. Of the merits and defects of Sir Francis Palgrave's way of writing we have spoken at large in two former articles.* It is easy to see that, though the same merits and defects are there still, yet the merits are considerably heightened and the defects considerably softened down. In the unfinished portions the cause may partly be because they are unfinished, because the author had not time to spoil what he first wrote. But this is not all. In the finished parts the improvement is no less remarkable. Sir Francis Palgrave has, in a great measure, cast aside the strange grotesqueness of his first two volumes, and has largely fallen back upon the far better style of his earlier writings. He is still garrulous, he still loves a digression, he still loves to tell a story familiarly. But in these volumes he can tell a story familiarly without putting on the garb of a buffoon. The best things in these volumes are better than the best in their predecessors, and the worst things are by no means so bad as the worst. There are many passages which are absolutely beautiful; there are none perhaps which are absolutely ridiculous. Sir Francis is as fond as ever of stopping to tell us his mind about current events, or events which were current when he was writing. The space of time which has passed since much of the book was written gives to many of these passages a curious effect. It is startling to come suddenly, in a newly published book, on expressions which imply that Louis Philippe is still reigning in France, and that M. Guizot is still his Minister. Some of us may dispute the relevance of these digressions on recent affairs; some may dispute the wisdom of many of the opinions which they contain. But no one can deny that Sir Francis Palgrave's sentiments on all matters, whether sound or not, are the dictates of a warm and generous heart, and are invariably

* Ed. Review, vol. xcv. p. 153; and Ed. Review, vol. cix. p. 486.

expressed with vigour, earnestness, and thorough fearlessness. In point of mere beauty of composition some of those passages stand highest which have least to do with the subject of the book.

And, if we recognise an improvement of this sort in the mere form of these volumes, we can recognise it equally in the matter. We find here more of Sir Francis Palgrave's strength and less of his weakness than in the earlier part of his history. That he is still an advocate and not a judge, a brilliant setter-forth of one side of a disputed case, is what every reader of his earlier works will be prepared to hear. But his advocacy is by no means so unrestrained, his statement of his case is by no means so one-sided, as some of his writings, especially his small History, had led us to expect. His way of looking at things still requires to be checked by an opposite way of looking at them, but we now see, far more clearly than before, his immeasurable superiority to the chief maintainer of that opposite view. Thierry writes simply to set forth a theory; he lets that theory colour every sentence; it is never absent from his sight for a moment; in season and out of season he harps upon the one string which is in his mind the key-note of the whole history. It is not so with Sir Francis Palgrave. He too has a theory, a theory which we certainly look upon as exaggerated, but he does not allow it to give this sort of twist to every word that he writes. When we look back at former articles on these subjects, we feel surprised that we should have placed Thierry and Palgrave so nearly on a level.* Such a judgment was a fair and natural one with the materials then within our reach, but it is one which we should certainly never have passed had the present history then been before us. We still hold that the true key to the phenomena of the time is to be found in a combination of Thierry's view with that of Sir Francis Palgrave. We still hold that exact truth is to be found at some point between the statements of Thierry and the statements of Sir Francis. We think still, as we have thought all along, that Sir Francis slurs over some facts on one side as Thierry slurs over some on the other. But, with these volumes before us, we must acknowledge that, though truth lies somewhere between the two, yet it lies far nearer to Sir Francis Palgrave than to Thierry. Though Sir Francis slurs over some points and gives an undue colouring to others, yet the degree in which this is done is trifling compared with that in which Thierry does it in every page. And, in saying

* Ed. Review, vol. cix. p. 501; and Ed. Review, vol. cxii. p. 149.

all this, we are not at all conscious of having changed our own judgment on these matters. It is simply that thirty years' further study and reflection have wrought in Sir Francis Palgrave that improvement which on a mind like his they could not fail to work.

In one most important point, however, there is no advance, no improvement. We mean Sir Francis Palgrave's perverse way of sending a book into the world without a single reference. Against this practice we made our protest in our last article, but out of mere weariness of spirit we cannot help making it again. It is unfair alike to the author and to his reader. It makes it impossible to appreciate the real research, the almost unvarying accuracy, which lies at the bottom of all Sir Francis's eccentricities, without going through an amount of labour which no author has a right to impose on his readers. Sir Francis Palgrave has no reason to dread the severest scrutiny to which his narrative can be subjected. We often reject his inferences, we often object to his colouring, we often think the authority on which he relies insufficient to prove his point; but he has some authority, of some kind or other, for every word that he says. We have tested him so rigidly that we feel that we can safely say this, even though, as in his former volumes, his grounds for some few statements have as yet escaped us. The reasons which may have led Sir Francis to this strange course we cannot pretend to guess. We can only say that while to read Sir Francis Palgrave through, simply as a narrative, is a process eminently pleasant, to compare him in detail with the original authorities is one of the most wearisome of labours, and a labour whose weariness is a wholly wanton infliction, which might have been saved by a far smaller amount of exertion on the part of Sir Francis himself.

The scheme of Sir Francis Palgrave, if we rightly understand it, was to assume the earlier history of England as already given in his own smaller work, to write the history of Normandy down to the point at which the histories of the two countries converge, and from that point to continue the two as one whole. Unfortunately, as we before said, the scheme has broken down at the very point of union. We have in these volumes the reign of the three Dukes of Normandy who preceded William and of the King of England who followed him. But the reign of William himself is fragmentary, and a narrative of the turning-point of all is wanting. As we have no narrative of the great wager of battle in which William made good his claim, so we have no full discussion of the

nature and value of that claim itself. Mr. Palgrave tells us that his father doubted whether to reprint this portion of the small History, as he has done himself, 'or to omit from this 'book what he had described before, or to rewrite the narra-'tive.' We feel sure that Sir Francis Palgrave's final determination would have led him to the last choice of the three. We feel sure that he would not have been finally satisfied either to leave such a frightful gap in his story, or to fill it up with the immature production which he wrote so many years before. Many people will read that narrative as an integral part of the book, and will not think of making the necessary distinction between this part of the history and the rest. We are therefore bound to say that it is quite unworthy of the place in which Mr. Palgrave has put it. The story is pleasingly and vigorously told, but it really cannot be trusted. It is not merely that we differ from some of the conclusions contained in it; so we do from some of the conclusions contained in Sir Francis Palgrave's latest writings. But this earlier narrative contains, what his later writings do not contain, distinct and important positive errors. If Sir Francis Palgrave had rewritten or revised his narrative of the events which led to the Conquest, we do not at all suppose that his view of Edward, Harold, and William would have been altered into agreement with our view of them. But we do feel sure that he would have removed from his narrative all positive inaccuracies, great and small. We should, as in the rest of the book, have been able to trust his statements, however strongly we might dispute some of his inferences. As it is, we cannot do so; and we cannot but think that Mr. Palgrave would have done better to leave a mere gap, however ugly, rather than to fill it up with a substitute which the critical reader feels to be quite out of place.

The book then consists of the reigns of the three Norman Dukes, Richard II., Richard III., and Robert the Devil, of a fragmentary history of William the Conqueror, and of a history of William Rufus in Sir Francis Palgrave's fullest and best manner. This last portion, including the accession of Henry I., fills up the whole of the fourth volume. We need not therefore say that it is told at infinitely greater detail than the reign of the Conqueror, which the author's final revision would doubtless have greatly expanded. What we propose to do in examining the book, is to deal mainly with the great subject of the Norman Conquest and its results as regards England. If this inquiry leads us across some of the weaker and less accurate portions of Sir Francis Palgrave's writings,

we regret that such should be the case, but we do not see that it is any fault of ours.

The Norman Conquest and its effects can be discussed now in a very different spirit from that which was brought to their discussion two hundred years back. The nature of the accession of William the Bastard was then looked upon as involving the most important of all political consequences. Was he—Willelmus Conquæstor—strictly William the Conqueror, or was he merely, in legal phrase, William the Purchaser? That he 'conquered' England, that his acquisition of the Crown was legally a 'Conquæstus,' nobody doubted, but grave questions might be raised as to the exact force and bearing of the word 'Conquæstus.' Was William, in short, 'Conqueror' in the common colloquial use of the word, in the sense in which Nebuchadnezzar was conqueror of Jerusalem or Claudius conqueror of Britain, or was he 'Conqueror' only in some technical legal sense, a sense in which 'conquest' is equivalent to 'purchase,' and in which a man may be said to 'conquer' any estate which he obtains otherwise than by direct inheritance? In short, was he a mere foreign invader who reigned only by the right of the sword, or was he a legal claimant who was driven to employ force only in the same way that a man may still have to enforce his rights by the help of the *posse comitatûs*? We can now examine into both views and see that each contains half the truth. But no one now supposes that any direct practical consequences flow from either conclusion. It was not so in the days of Brady, Petyt, and Atwood. Nothing less than the liberties of England was held to depend on the decision. It was held in those days that, if William was really William the Conqueror, if he made an 'absolute conquest by the sword,' then all earlier laws, all earlier rights, perished, that all the later liberties of Englishmen were mere gifts of royal favour, which Kings had granted of their own freewill, and which, by the same reasoning, they might some day reclaim. But if William were merely William the Purchaser, if what he did at Hastings was not to conquer a nation but to overthrow a competitor for the crown, if he reigned, not by the sword, but by the bequest of King Edward or by the election of the Witan, then all older liberties survived his entry, and all new ones were held by the same tenure, as liberties inherent of right, not mere privileges conferred by favour. When the issue was so momentous, it was no wonder if a vast deal of ingenious research and argument was laid out on both sides. It was easy to find facts and expressions which, taken alone,

would make out the case on either side. It was easy to show that William always studiously gave himself out as a lawful claimant of the crown of his cousin, hindered from a peaceful accession only by the forcible entry of the usurper Harold. It was easy to show that he studiously professed to observe the laws of the predecessors from whom he claimed, that he really made no extensive changes in legislation, that the transfer of landed property from Englishmen to Normans was accomplished under various pretexts of legal right, and was, after all, much less complete than is often imagined. It was no less easy to prove, on the other side, that, whatever professions of lawful right William made to justify either his accession or his subsequent government, he was in very truth a conqueror, who came in by the sword and who governed by the sword. Whatever might be his professions, England did receive a foreign King and a foreign aristocracy; her ancient laws, if formally re-enacted, were practically trampled under foot; her broad lands were taken from their ancient owners, and divided among intruders alien in blood and language. This is, in short, one of those controversies in which both sides are right in what they assert and both wrong in what they deny. Allowing for a little natural exaggeration on either side, both pictures are substantially true. The only true view of the case is that which equally recognises both sets of facts, and works them out in their proper relation to each other.

Now the days are long past when the question as to the nature of William's accession was held to be of any practical political importance. But the two ways of looking at the matter still remain, and they probably always will remain, because each appeals with equal force to minds of a particular class. One class of observers is most forcibly struck by the great outward facts of history, great territorial conquests, revolutions of race and revolutions of language. Others dwell more upon formal laws and institutions, upon titles and usages, upon all those details which are dear alike to antiquaries and to lawyers, but which more general observers are often apt to pass by. To these two different classes the accession of William the Bastard must appear in two quite different lights. To the one it must seem the most unmitigated foreign conquest; in the eyes of the other it is little more than a change of dynasty. Now these two classes, answering exactly as they do to the two parties of the old controversy, are aptly and eloquently represented, the one by Thierry, the other by Sir Francis Palgrave. Sir Francis indeed, as having far more of the historic spirit, does not carry out his view to such extremes as

Thierry does; he does not deal so recklessly with his authorities; he does not so daringly trample under foot all that is to be said on the other side. Still he does represent one tendency, while Thierry represents the other; and the exact truth can only be got at by keeping always in mind two distinct sets of phenomena, each of which one of our rival historians brings forward to the prejudice of the other.

These two opposing views have now happily become quite independent of the political controversies with which they were long thought to be inseparably connected. Sir Francis Palgrave most certainly does not write in the interest of this or that political party; indeed his incidental remarks show him to be too independent a thinker to identify himself unreservedly with any party. Still more certain is it that Thierry, who, as an historian, represents the school of Brady, had not, as a politician, the slightest sympathy with that school. He writes throughout in the interest of the conquered; he amuses us by seeing the history of the eleventh century repeated in the history of the seventeenth, and by looking on the struggle between Charles I. and his Parliament as a continuation of the struggle between the Norman and the 'Saxon.' So the practical tendency of Sir Francis Palgrave's view, like that of Brady's adversaries, is to soften the most repulsive aspect of the Conquest, and this naturally leads to taking a more favourable view of the character of the Conqueror. Thierry's view, on the other hand, as setting the Conquest itself in the darkest light, naturally tends to do the like by the Conqueror and his followers. And he who is inclined to look more favourably on the Conqueror is naturally inclined to look less favourably on his opponents, to depreciate Harold and the whole family of Godwine. Practically, then, Sir Francis Palgrave may be looked on as a partisan of William and the Normans, though he is very far from being so extreme and undiscerning in his partisanship on their behalf as Thierry is in his partisanship against them.

Two great questions then arise, in examining both of which we must bear in mind the cautions which have just been given. These are, first, the character of the Conquest itself, involving the character of the Conqueror himself, his companions, and his opponents; secondly, the effects of the Conquest, immediate and permanent, on the destinies of the English people. In examining both of these questions we must take into our view both sets of facts, and keep a careful watch over both sets of tendencies. We must go carefully through our authorities;

we must sift them and weigh them and estimate the comparative value of each. In no part of history is this comparative process more imperative, because in no part of history are statements, even contemporary statements, more directly contradictory. And it is the more needful, because we have to charge both of our guides, Thierry and Sir Francis alike, not with any failure of research, not with any misrepresentation of their authorities, but with a neglect of the wide difference between one authority and another. Each, in his eagerness to catch at anything which falls in with his own theory, is often ready to put the most worthless writers on a level with the most trustworthy. This fault is far more conspicuous in Thierry than in Sir Francis Palgrave, but we cannot honestly say that Sir Francis is wholly free from it.

The main authorities for the history of the Conquest consist of several contemporary and nearly contemporary writers, English and Norman. And alongside of the written chronicles we may place what is virtually a chronicle in another material, and whose early date we are glad to find fully admitted by Sir Francis Palgrave. We mean the famous Tapestry of Bayeux. There are also those contemporary charters and documents which do not come under the head of chronicles, beginning of course with the great Domesday Survey. It is from these sources that we must draw our real knowledge as to the events of the Conquest. Later writers must be used with even more caution than usual, for we are dealing with a history of which almost every detail is matter of dispute, and the true version of which was corrupted so very early. Still even later writers have a secondary use, as vehicles of tradition, as showing what their times thought of earlier times, and as witnessing mainly by negative testimony, what the final results of the Conquest were and what they were not. Our materials will therefore fall under four heads, First, English writers contemporary or nearly so; Secondly, Norman authorities of the same period, including the Bayeux Tapestry; Thirdly, Domesday and other contemporaneous documents; Fourthly, later writers of all sorts, from the middle of the twelfth century onwards. In reckoning up these sources, it is not without a feeling of national pride that we place on our list two authorities to which no other country can supply a parallel, namely Domesday and the Saxon Chronicle.

This last venerable record stands absolutely alone; no other nation can show a strictly historical work written at so early a date in the vulgar tongue. And, as written in the vulgar

tongue, it is invaluable beyond all other authorities as a record of the real mind of the time. Other writers tell us with greater fulness what Kings and Princes did; no other book tells us in the same way what the mass of the people thought of their deeds. The work of the good old English annalists has about it a real life to which no Latin writer can ever attain, and its pathetic simplicity not uncommonly approaches the sublime. Every Englishman, we might say every man of Teutonic speech, may be proud of such a possession.

The Chronicle forms, to a considerable extent, the basis of the Latin Chronicle of Florence of Worcester. Florence, clear, simple, straightforward, recording events under their years, never seduced into irrelevant digressions, never carried away by the lures of a pseudo-classical eloquence, stands at the head of the Latin historians of the period.

It is in these two sources that we must look for the purest English traditions of the Conquest itself. The authors of the Chronicle were doubtless strictly contemporary; the writer who gives that wonderful picture of William the Conqueror claims directly to speak from personal knowledge of the King; Florence, too, who died in 1118, may well have remembered William's invasion. In these writers we see absolutely no trace of Norman influence. They are not only English in feeling as opposed to Norman; they are more; they distinctly assert the lawfulness of Harold's accession and the excellence of his government. The Conquest itself, and the events which immediately led to it, are subjects which they avoid as much as possible. They give very few details of William's invasion, and are absolutely silent as to its causes. From them we should learn nothing of Edward's alleged bequest of the Crown to William, or of Harold's alleged oath of fealty to him. We do not look upon this silence as disproving the facts; but we think that it shows that they were facts which were little known in England at the time that they happened, and which the contemporary generation of Englishmen dwelt on afterwards as little as they could. In the next generation, as we shall presently see, men learned to feel differently.

Along with these we may place another writer who certainly cannot be called an historian of the Conquest, but who is most remarkable, if only for his silence about the matter. This is the author of the anonymous Latin Life of Edward the Confessor edited by Mr. Luard in the series of Chronicles and Memorials. This biography was clearly written after the Conquest, and as it is dedicated to Queen Eadgyth, it must have been written between 1066 and 1075. It is totally silent

as to William's invasion or even as to Harold's reign as King. Such a silence is more impressive that any words could have been. But the writer gives a glowing description of the merits of Harold's government as Earl, and he is most valuable as a contemporary, evidently thoroughly well-informed, bearing full witness, under the hostile Norman rule, to the real character of the calumniated House of Godwine.

In the next generation another spirit arises. To men who did not remember Godwine and Harold they became convenient scape-goats on whom to lay the sins of the nation. Nothing was easier than to find out that Harold's perjury had brought on the Norman invasion, and that Harold's rashness in fighting with insufficient numbers * had caused that invasion to be successful. This sort of talk fell in alike with Norman and with English feeling. To lay all the blame on the King, a King too, it might now be said, wrongfully chosen to the prejudice of the right royal line, was more consoling to national pride than to bring out the manifest fact that Harold was the one great man that England possessed, that he alone could keep the divided land together, and that, when he was gone, it fell, as a divided land must fall, piecemeal into the hands of the invader. Of this view we may take Eadmer and Henry of Huntingdon as the representatives. They are quite English in feeling, but they turn decidedly against Harold, and enlarge on his supposed perjury, about which the Chronicle and Florence hold their peace. This same version is also strangely thrust into the midst of the narrative of Florence, by his copyist Simeon of Durham, who, for the affairs of the north of England, is himself a primary authority. The 'Historiæ Novorum' of Eadmer, the English monk, the faithful attendant of Anselm, form a monograph rather than a chronicle. The work is one of the

* The beginnings of this charge may be seen even in Florence, devoted as he is to Harold. It is mixed up, however, with charges against those who deserted him, especially the northern earls Eadwine and Morkere. On the other hand, the Norman writers are fond of dwelling on the vast numbers of the English. In cases of this sort we must always allow for exaggeration on both sides; still there may be germs of truth in both accounts. Harold's forced march from York may have hindered him from bringing a sufficient number of picked troops, while the irregular levies of Sussex and the neighbouring counties may have flocked to his standard in myriads. The Tapestry too bears out this view. The English host seems to contain a vast multitude of half-armed darters, while Harold's terrible battle-axe-men appear in comparatively small numbers.

highest authority for the reigns of William Rufus and Henry I., and it forms Sir Francis Palgrave's principal guide through a large part of his fourth volume. Eadmer, in many respects, reads like a precursor of the biographers of Thomas of Canterbury a couple of generations later. But there is an important difference between them. Anselm forms the principal figure in Eadmer's picture, but he does not completely overshadow everything else. Eadmer, in short, still writes history and not hagiography. For Eadmer, with all his reverence for his master, was not dealing with the life of a recent martyr or of a canonised saint at all. Anselm did not find a place in the Calendar till a much later age.

Among the purely Norman writers we have, first, William of Poitiers, the Conqueror's chaplain, whose narrative must have been written very soon after the event. His 'Gesta 'Guillelmi' was not continued—probably the writer did not live—through the whole of William's reign, and our imperfect extant copies break off at a much earlier point. He gives a vast number of details which of course are of the highest importance, but he must be used with caution, as he is the mere laureate and flatterer of his patron. Against Godwine, Harold, and the English people generally, he is rabidly bitter. Yet even he is far from denying Harold's merits either as a ruler or as a captain. His style and manner, his apostrophes, his violent invectives and extravagant panegyrics, remind us somewhat of our old acquaintance Dudo of St. Quintin.* William of Jumièges follows in the same line, though, as he is really an historian of Normandy and not a mere panegyrist of William, he is not quite so lengthy nor quite so savage. The metrical chronicles of Geoffrey Gaimar, Robert Wace, and Benedict of Saint More, come later. We do not think that their metrical form tells against them; that is to say, they are as credible as prose chroniclers of their own date, only that date is not contemporary. Wace especially seems a very honest writer, who had taken great pains to procure correct information, and who often mentions when he has failed to do so. Probably he preserves many local and personal traditions which the more ambitious Latin writers passed by. All these writers have a further value as examples of old French verse. French prose was not yet; it began in the next century with Villehardouin and Joinville. The Latin poet, Guy, Bishop of Amiens, author of the 'Carmen de Bello Hastingensi,' is chiefly valuable as preserving some curious details of William's siege of London.

* See Ed. Review, vol. cix. p. 495.

Now along with these written Norman chroniclers, perhaps at the very head of them, we cannot help placing our chronicle in stitchwork, the Bayeux Tapestry. That it is a genuine production, wrought within a very few years of the Conquest, is proved to our mind, if by no other evidence, by the great number of small details, of names of persons not easily to be identified, which make some portions of it difficult or impossible to explain. It matters little whether the tapestry was wrought, according to the tradition, by Queen Matilda, or whether, as Dr. Lingard more probably maintains, it was made by order of Bishop Odo as an ornament of his Cathedral of Bayeux. The really important matter to be established is its contemporary date. This is a matter on which we have only internal evidence to go by, but it seems to us that the internal evidence for the contemporary date of the Tapestry is something quite unanswerable.

Besides the purely English and the purely Norman writers, there are two historians of great celebrity who may be looked on as in some measure combining both characters. These are Orderic, otherwise Vitalis, monk of St. Evroul, Utica, or Ouche, in Normandy, and the still better known name of William of Malmesbury.

Orderic is one of Sir Francis Palgrave's favourite authorities, and, we think, with good reason. His work is absolutely impossible to read through, on account of his constant digressions and goings backwards and forwards; but, when we have picked out the parts which really relate to Norman and English history, we shall find them highly valuable and very far from uninteresting. He is honest, and apparently well-informed, and he deals largely in detail and personal incident. No contemporary writer gives us so clear a picture of the real life of the time. Sir Francis takes Orderic under his special protection; he does not, indeed, refer to him by book or page any more than to any of his fellows; but he often mentions him and sometimes quotes him, and he gallantly defends him against Lord Hailes, who called him 'an ignorant and blundering monk.' Of the man himself and his life we know nothing but the little that we learn from his own history, but that little is very important. Orderic was a native of England, but he came, not indeed of the blood of the conquerors, but of that of the more peaceful settlers who followed in their wake. He was the son of a married priest of Orleans, Odelirius by name, who came in the train of Roger of Montgomery and was settled by him on a benefice at Shrewsbury. Orderic himself was born in 1075; he was baptised by the priest Orderic and educated by another

priest Siward *, both whose names betoken their English or Danish birth. Of what race his mother was he does not tell us. At the age of ten years he was sent over to Normandy to become a monk at St. Evroul, where he spent the rest of his days, with the exception of occasional visits to England on the affairs of his monastery, or to collect information for his history.

William of Malmesbury was a very different sort of writer, and one who, in exact opposition to Orderic, has gained far greater fame than he deserves. Because he writes somewhat better Latin than his fellows, because he makes a certain show of criticism and impartiality, he has been read and quoted and believed in, to the prejudice of writers who are, in every essential quality, his betters. But it is obvious at first sight that William of Malmesbury's way of writing history is utterly confused and disorderly, that he never gives a date or tells anything in its natural order, that his digressions are as frequent as those of Orderic, and incomparably more trifling and irrelevant. His classical affectation makes him, to our taste, far less clear and pleasant to read than the straightforward diction of Florence. Some passages read like bits of popular ballads, which they very probably are, strangely clothed in the garb of William's grandiloquent Latin. But William of Malmesbury has graver faults than these. Uniting, as he tells us, the blood of both races; being, that is, most likely, the son of a Norman father and an English mother, he is bound to profess a sort of impartiality between the two. But his feelings are wholly Norman, his impartiality is all a blind, he is the mere flatterer of Henry I. and his son, a flatterer, not so barefaced, but quite as servile, as William of Poitiers is to the Conqueror. Both of William and of Orderic we shall have to speak again, when we come to consider the effects of the Conquest, on the nature of which these several ways of looking on things throw such remarkable light.

Of later writers we need not speak. They are useful only in the incidental way of which we have already spoken. It is one of Thierry's greatest faults that he constantly relies with as much confidence on Bromton, or even on Knighton,

* Ord. Vit. ap. Duchesne, p. 548 A. Siward is 'nobilis Presbyter.' Elsewhere (p. 579 D) he says that the church of which his father was incumbent was built 'priscis temporibus a Siwardo consanguineo.' This is not very clear; 'prisca tempora' may mean generally the time before the Conquest, and it is not plain to whom Siward was cousin. Possibly Orderic's mother was a kinswoman of Siward's, which would at once supply a direct English element in Orderic himself.

as on the contemporary sources. Sir Francis Palgrave's way of not citing authorities hinders us from testing him with the same minuteness. We fancy, however, that we have sometimes seen traces of it in him also. But when Sir Francis, as we venture to think, goes astray, it is not commonly from relying on writers of this class. It is most commonly from failing to exercise due criticism between writers nearer the time. He does, however, sometimes seem to rely on mere tradition in a way which rather amazes us. For instance, he accepts the story which gives the countryman who brought the body of William Rufus to Winchester the strange name of 'Purkis,' and which affirms that generations of Purkises, his descendants, have ever since remained on the same spot, practising the same humble craft. The pedigree is, of course, quite possible, though we should want some strong evidence for it. But who can believe that any man was called 'Purkis' in the eleventh century? We find nothing of the sort even in Bromton and Knighton.

Our last, and one of the highest of our authorities, is the great Domesday Survey. We now look, and surely with reason, on the compilation of this record as a remarkable monument of the Conqueror's administrative sagacity. Thierry, of course, tries to depreciate it, as he does everything else that is Norman. With regard to its compilation at the time, few things are more instructive than to remark the extraordinary indignation which the minute inquiries required by the Survey called forth at the time. 'It is a shame to 'say what he thought it no shame to do,' says the English Chronicler, and on this point the feelings of Norman and English occupants would probably be much the same. But to us, at all events, the record is invaluable; nothing else could give us so complete a picture of the state of the country at the time, especially of what formed so great a feature of William's reign, the extensive transfer of landed property from English to Norman owners. Perplexing, again, as are many of the names by which different classes of men are described in the Survey, they still give us information as to these matters which no other means could supply. It is no small matter, in a period so surrounded with controversy, we can at once lay our hand on the great legal record of the conquerors, and on the still living expression of the embittered popular feeling of the conquered.

Such are our materials. Let us now try, first of all, to realise, from the accounts of those 'who had looked on him, 'and lived in his household,' a true picture of the personal character and position of the Conqueror himself.

If we look upon greatness as something separable from goodness, as something not necessarily antagonistic to, but still altogether distinct from moral excellence, we cannot hesitate to place William the Bastard in the very first rank of the world's greatest men. And, judging him by the standard of those of his own age, and, above all, by that of his own family, we shall be very far from placing him among the worst of men. He was a man whom no man could have loved, but he was one whom most certainly no man could despise. As we read the wonderful portrait of him given in the Chronicle, we see that the feeling which he inspired, even among the vanquished, was not exactly hatred, but a sort of fearful awe, such a feeling as might be excited by the presence of a being of another nature. The difference is at once realised when we compare the feelings with which men looked upon the Conqueror from the feelings with which men looked upon his successor. The feeling towards William Rufus, among all classes save those who were the companions of his wickedness, was one of simple loathing. He is perhaps the only recorded ruler of a Christian Kingdom whose eternal damnation was assumed by all men as a matter of course. He, the greatest of sinners, died under no ecclesiastical censure; but he became the object of a popular excommunication, exactly answering to the popular canonisations of Waltheof and Simon of Montfort. It seems not to have come into any man's mind that prayers, masses, or alms for such a soul could be otherwise than fruitless. Respect for his royal office procured him a resting-place in holy ground, but, in all save the place of his interment, he was buried with the burial of an ass. But his father, after all his crimes and oppressions, fares very differently. The Chronicler judicially sums up what was good and what was evil in him, he exhorts men to follow the good and to avoid the evil, and sends him out of the world with a charitable prayer for the repose of his soul. Yet William Rufus gave many signs of high ability, and signs, too, of natural tendencies which might have been developed into virtues of a kindlier sort than the stern greatness of the Conqueror. It was not till his father and his guide Lanfranc were gone, that he ran riot in wickedness of every kind. His political sagacity and his soldier-like daring never forsook him, but used as they were, with no settled aim and for no honourable purpose, they became in him vices rather than virtues. But in the Conqueror we cannot but admire, throughout his career, the highest embodiment of the fixed purpose and the unbending will. No man, perhaps, ever overcame so many enemies or passed triumphantly through

so many difficulties. For difficult as his position was in England, his earlier position in Normandy was in some respects more difficult still. He had almost as many enemies to struggle with, and he had not the same force at his command to subdue them. Coming to the duchy under every disadvantage, at once bastard and minor, with competitors for the crown constantly arising, with a turbulent people to govern and envious neighbours to guard against, with a jealous overlord, who, if he sometimes acted as a protector, acted far more commonly as an enemy—William was, thus, through the whole of his early life, beset by troubles, none of which were of his own making, and he came honourably out of all of them. His duchy, from a divided state open to the attacks of every enemy, became under him a loyal and well-ordered land, respected by all its neighbours, and putting most of them to shame by its prosperity. And these great successes were accomplished, as far as we can see, with much less of cruelty or oppression than we might have looked for in so ruthless an age. As a man, his character was singularly stainless; in a most profligate generation he was a model of conjugal fidelity; he was an affectionate brother, and a perhaps too indulgent father. One dark cloud of suspicion is the only shade over so bright a picture. He was accused, in more than one case, of resorting to the poisoned bowl to get rid of those whose life was inconvenient to him. The charge has never been clearly made out, but of such a crime the mere suspicion tells against a man. On the other hand, his piety was loudly extolled, and there is reason to believe that his piety was not the mere conventional piety of lavish grants to monasteries. We have seen that in his own person he practised some most unusual virtues, and it is clear that in his ecclesiastical government he was actuated by a real desire for reformation. He was almost the only prince of the time free from the guilt of simony, and most of his ecclesiastical appointments do him high honour. The patron of Lanfranc and Anselm cannot be spoken of without respect, and nothing can be more unfair than the way in which Thierry dismisses the bishops and abbots whom William appointed in England. Undoubtedly, there were some black sheep among them, like Thurstan of Glastonbury; but the general unfavourable impression which Thierry gives is produced by mixing up the prelates appointed by the Conqueror with the rascals who bought bishopricks of William Rufus, or who were promoted by him as the reward of their partnership in his iniquities. Altogether the reign of William as Duke of

the Normans was alike prosperous and honourable; he fairly won for himself the high position which he held among the Princes of Europe.

If we turn from William Duke of the Normans to William King of the English, we shall indeed in a moral sense see the fine gold become dim, but our admiration for mere greatness, for the highest craft of the statesman and the soldier, will rise higher than ever. No doubt he was highly favoured by fortune: nothing but a combination of extraordinary circumstances could have made the conquest of England possible; but then it is the true art of statesmanship to grasp every favourable moment, to perceive what can be done and what cannot, to see, in a word, what to do and how and when to do it. Undoubtedly William could never have conquered England except under peculiarly favourable circumstances, but then it needed a man of William's greatness to conquer England under any circumstances. He conquered and retained a land far greater than his paternal duchy, and a land in which he had not a single native partisan. Formally a legal claimant, but in truth a foreign invader, he contrived to win the English crown with every circumstance of formal legality. He was elected, crowned, and anointed like his native predecessors, and he swore, at the hands of an English Primate, to observe the ancient laws of England. By force and by craft, but with the outward pretext of law always put prominently forward, he gradually obtained full possession of the whole land; he deprived the people one by one of their native leaders, and put in their places men wholly dependent on himself. None but a man like him could have held down both conquerors and conquered, and have made his will the only law for Englishman and Norman alike. He richly rewarded those to whom he owed his crown, but he took care that they should never be able to bring his crown into jeopardy. By two consummate strokes of policy, he guarded against the dangers which he saw rife in every other country, and made England the most united kingdom in Western Christendom. The manors granted to his great barons were carefully scattered through different counties, and the vassals of his vassals were made to swear allegiance to the King as their common master. Normans and Englishmen conspired and rebelled against him, and called in the fleets and hosts of Denmark to their aid; but William held his own alike against revolters at home and against invaders from abroad. Norman and English rebels were alike crushed; sometimes the Dane was bought off, sometimes he shrank from

the firm array by which the land was guarded. All opposition was quelled by fire and sword; but when it was quelled, wherever and whenever William's rule was quietly accepted, his hand was heavy upon all smaller disturbers of the peace of the world. Life, property, female honour, stood indeed but a small chance while the process of conquest lasted, but, when the conquest was fully accomplished, they were safer than they had been under England's native Kings. The English annalist himself records with thankfulness the good 'frith' which he made in this land; a merit which always covered a multitude of sins. To chastise the robber, by any means, by any punishment however merciless, was then held to be the first duty of the ruler. To have accomplished this duty is the praise which sounds highest in the panegyrics of Godwine, of Harold, of William, of Henry I.; to have neglected it stands out foremost in the dark indictment against the ruffian Rufus and the heedless Robert. We may be sure that William's English subjects did not love him, but they may well have felt a sort of sullen respect for the King who was richer and mightier than all the Kings that were before him. And under the scorpions of his hateful son, they might well regret the whips of a tyrant who at least had somewhat of the fear of God before his eyes.

Here then was a career through which none who was not of the greatest of mankind could have passed successfully. But it was a career which brought out into full play all those darker features of his character which had found but little scope for their development during his earlier rule in his native duchy. There is no reason to think that William came into England with any fixed determination to rule worse in England than he had ruled in Normandy. At no part of his life does he appear as one of those tyrants who delight in injustice and oppression for their own sakes. But he was a man who stuck at no injustice and no oppression which was needed to carry out his purpose. His will was fixed, to win and keep the crown of England at all hazards. He would have been well pleased, as he professed, to win that crown without bloodshed. But rather than not be a King he did not shrink from the guilt of carrying on a desolating war against a people who had never wronged him. We may well believe that when he swore to govern his new subjects as well as they had been governed by their own Kings, he had no fixed intention of doing otherwise. That he acted on any settled scheme of uprooting English nationality, English laws, or the English lan-

guage is an exploded fable.* He re-enacted the ancient laws, and even strove to learn the language of the country that he might the better administer them. Had it been possible for him to govern England as well as he had governed Normandy, he would have been well pleased to do so. But to do so was beyond his power; he gradually found that there was no way for him to govern England save by oppressions, exactions, and confiscations at which humanity shudders. He made the discovery and he shrank not from the practical consequence. A reign which had begun with as good hopes as the reign of a foreign conqueror could begin gradually changed into one of the most tremendous tyrannies on record. Northumberland was hard to be kept in order, and Northumberland was made a desert. This was the dictate of a relentless policy, but he showed that he could do equal wrong when no policy required it, simply to supply means for his personal gratification. To lay waste Hampshire for the mere formation of a hunting-ground was a blacker crime than to lay waste Northumberland in order to rid himself of a political danger. He could be merciful when mercy was not dangerous, but he could shed innocent blood without remorse if its shedding seemed to add safety to his throne. The repeated revolts of Eadgar Ætheling were forgiven as often as they occurred; but Waltheof, caressed, flattered, promoted, was sent to the scaffold on the first convenient pretext. It is hardly superstitious to point out, alike with Sir Francis Palgrave and with his ancient authorities, that the New Forest, the scene of William's blackest inhumanity, became a spot fatal to his house, and that, after the death of Waltheof, his old prosperity forsook him. Nothing indeed occurred to loosen his hold on England; but his last years were spent in bickerings with his unworthy son, and in a petty border warfare in which the Conqueror had for the first time to undergo defeat. The victor of Valesdune and Senlac found his death-wound in an inglorious quarrel, in the very commission of the basest cruelty†, and at last the mighty King and Conqueror had

* This notion comes almost wholly from the false Ingulf, that pestilent imposition which Sir Francis Palgrave himself first exposed, and to which one would have thought that Mr. Stubbs and Mr. Riley had dealt the death-blow. But all the small fry of local antiquaries and the like still quote him as unsuspectingly as ever.

† The circumstances of the burning of Mantes, and the share in the devastation personally taken by the King himself, seem to have surpassed the ordinary cruelty of the age and to have aroused special indignation at the time. As the Chronicle says: 'Reowlic þing he

to owe his funeral rites to the voluntary charity of a loyal vassal, and, within the walls of his own minster, he could not find an undisputed grave.

Such was William the Great; a title which, in the mouths of his contemporaries, he shares with Alexander and with Charles, but which in later times has been displaced by the misunderstood description of Conqueror. And now as to the Conquest which he wrought. We have seen that he claimed the crown as his legal right. How far was such a claim to be justified on any recognised principle of law or morals? Let us hear how Sir Francis Palgrave states his case:—

'Whatever aspects William's policy assumed, he never departed from the principle that he had placed himself in the position of a legitimate Sovereign, asserting legitimate rights. William did not present himself as a barbarian stranger, a Sweyne, or a Canute, wielding his battle-axe, slaying old and young, thirsting for blood, greedy of gold, seeking rapine, pursuing revenge; but as a lawful claimant, contesting the inheritance withheld by an unjust adversary; and, as will have appeared from the preceding transactions, *it is hardly possible to deny but that, on constitutional grounds, he had a better-grounded title than he who was vanquished by the battle-trial of Hastings.* When, therefore, William, as such lawful claimant, obtained the dominion, the reign of the usurper was entirely blotted out from the legal and constitutional annals of England. In the same manner as the ordinances of the Commonwealth have no place in our statute-books, and the patents of the Protector are expunged from our records, so was the reign of Harold passed over, and never recognised by law. Even as King *de facto* he was not acknowledged. Domesday, which was to establish the territorial rights of the Conqueror, the record by which he was willing to be concluded, that great memorial, not of an arbitrary power, but of the principle of establishing the rights of the crown, so far as property was concerned, by an immutable law, always dates them "*tempore Regis Edwardi.*" William wanted nothing more than what King Edward had; he would take nothing as from Harold; he ascended the throne not as the victor of the son of Godwin, but as succeeding the Confessor. Therefore, he was to be bound to the responsibility of the monarch of whom he claimed to be the adopted son, the constituted heir.' (Vol. iii. p. 622.)

Now, except the words which we have marked in Italics, this is a clear and accurate statement of William's case as William himself might have stated it, but we confess that those few

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'dyde, and reowlicor him gelamp.' But it should not be forgotten that in the war itself William was not the aggressor, nor was he merely provoked by the silly joke of King Philip. See Ord. Vit. p. 654 D.

words, in which Sir Francis steps out of his way to express a personal opinion of his own have perfectly amazed us. Sir Francis, holding, as he did, a doctrine of hereditary right in which we believe that no other scholar agrees with him, was perfectly consistent in condemning Harold, but the same argument must condemn William also. William was as little the heir of Cerdic and Woden as Harold was. Sir Francis, on his principles, ought uncompromisingly to have supported the claims of the Ætheling against both. But he had a strange prejudice against Harold, which, as we before said, led him in the earlier work part of which is here reprinted, not only into such strange judgments as we have quoted, but into distinct inaccuracies of some importance. Here is Sir Francis' account of Harold's accession :—

'On the very day that Edward was laid in his grave, Harold prevailed upon, or compelled the prelates and nobles assembled at Westminster, to accept him as king. Some of our historians say, that he obtained the diadem by force. This is not to be understood as implying actual violence; but, simply, that the greater part of those who recognised him, acted against their own wishes and will. And if our authorities are correct, Stigand, Archbishop of Canterbury, but who had been suspended by the Pope, was the only prelate who acknowledged his authority.

'Some portions of the Anglo-Saxon dominions never seem to have submitted to Harold. In others, a sullen obedience was extorted from the people, merely because they had not power enough to raise any other king to the throne. Certainly the realm was not Harold's by any legal title. The son of Godwin could have no inherent right whatever to the inheritance of Edward; nor had the Anglo-Saxon crown ever been borne by an elective monarch. The constitutional rights of the nation extended, at farthest, to the selection of a king from the royal family; and if any kind of sanction was given by the Witan to the intrusion of Harold, the act was as invalid as that by which they had renounced the children of Ethelred, and acknowledged the Danish line.

'Harold is stated to have shown both prudence and courage in the government of the kingdom; and he has been praised for his just and due administration of justice. At the same time he is, by other writers, reprobated as a tyrant; and he is particularly blamed for his oppressive enforcement of the forest laws. Towards his own partisans, Harold may have been ostentatiously just, while the ordinary prerogative would appear tyrannical to those who deemed him to be an usurper.

'Harold, as the last Anglo-Saxon ruler, has often been viewed with peculiar partiality; but it is, perhaps, difficult to justify these feelings. He had no clear title to the crown in any way whatever.' (Vol. iii. p. 295.)

Against this we need do little more than quote the words of

the Chronicle* and of Florence†, which distinctly state, in language which seems expressly designed to meet every cavil, that Harold was elected King, on the recommendation of his predecessor, by the Witan of all England, and was solemnly consecrated by Archbishop Ealdred. Sir Francis Palgrave's story is made up out of the vague and rhetorical expressions of Norman and later writers. For Harold's tyranny and oppressive enforcement of the forest laws he has to stoop as low as Knighton. ‡ The assertion that no bishop but Stigand recognised Harold is not only refuted by the fact that he was crowned by Ealdred, but it is most curiously refuted by Sir Francis's own next sentence. The only authority we can find for the assertion that any part of England refused to acknowledge Harold, or paid him only a sullen obedience, is a story told by William of Malmesbury in his Life of Saint Wulfstan. § According to him the Northumbrians did for a while refuse to acknowledge Harold; but what followed? Harold went down to Northumberland, accompanied by the holy Bishop of Worcester, whose eloquence soon won over all malcontents. Sir Francis should really have chosen between his bishops and his Northumbrians. It was open to him to represent either of those classes of men as enemies of King Harold; but he could have no right to represent both.

This is a specimen of the sort of inaccuracy ‖ which, as we said at starting, disfigures Sir Francis Palgrave's early narrative of these events. Sir Francis Palgrave might, if he pleased, deny the validity of the act which elected Harold,

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* A. 1066: 'And Harold eorl feng to Englalandes cynerice swa 'swa se cyng hit him geuðe, and eac men hine þærto gecuron, and 'wæs gebletsod to cynge on Twelftan mæssedæg.'

† A. 1066: 'Quo tumulato, subregulus Haroldus, Godwini ducis 'filius, quem rex ante suam decessionem regni successorem elegerat, 'à totius Angliæ primatibus ad regale culmen electus, die eodem 'ab Aldredo Eboracensi archiepiscopo in regem est honorificè 'consecratus.'

‡ X Scriptt. 2339. It is amusing to compare his account of Harold with that of Florence.

§ Anglia Sacra, vol. ii. p. 253.

‖ We cannot help mentioning one inaccuracy of detail which gives a completely false notion of the English tactics at Senlac. 'Harold,' says Sir Francis Palgrave, 'dropped from his steed in 'agony' (vol. iii. p. 317). But Harold, according to the custom of English kings, fought on foot. He is so drawn on the Tapestry. William of Malmesbury (vol. iii. p. 241) gives the reason, 'Rex 'ipse pedes juxta vexilla stabat cum fratribus, ut, in commune 'periculo æquato, nemo de fugâ cogitaret.'

just as he might deny the validity of the act which deposed Richard II. or of the act which elected William and Mary. But we protest against a direct misstatement of the facts, and we are amazed when we are told that William's constitutional right was better than Harold's. To us nothing can be plainer than, that, if there ever was a lawful King in this world, King Harold was a lawful King. Bequest, election, ecclesiastical consecration, were all united. He was not of the royal house, but the principle which allowed the rejection of the direct heir (to use modern language utterly unknown in those times) in favour of a better qualified uncle or cousin would justify the rejection of the whole family if all were unqualified. The descendants of Eadmund Ironside had already been passed by on the election of Eadward himself, and they were now reduced to three children, a boy and two girls, who would have been passed by at any earlier time.* And we suppose that the sound doctrine that Parliament may do anything was as true in the eleventh century as in the seventeenth.

Harold then was, beyond all doubt, rightful and lawful King of the English. Where then were the claims of William? William made out his case by ingeniously mixing up two distinct things, the alleged bequest of Eadward and the alleged perjury of Harold. We have already remarked that the purely English writers say nothing whatever on either head. This sort of silence on a matter of which they must have heard seems to us rather to prove that they could not deny that something of the kind really did happen. The bequest and the fealty may both of them have been little known in England at the time when they happened, but Florence of Worcester must have known all about them after William had blazed them abroad through all Christendom. We must therefore admit the fact of a certain *suppressio veri* on the part of our national authorities; we must acknowledge that Eadward probably did make some sort of bequest to William and that Harold probably did in some shape or other swear fealty to William. But for details we must go to the Norman writers, and they tell their story with such an infinity of contradiction as to time, place, and circumstance that nothing satisfactory can be made out.† As for the claims themselves, they admitted of an easy

* The two sons of Eadgar were elected as minors, but there was then no better qualified person in the royal family, nor any very eminent layman out of it. In all earlier cases minors had been passed by. Alfred himself reigned to the exclusion of his nephews.

† We do not remember to have ever seen any reference to the wonderful version of these events which Gervase of Tilbury put

answer. Neither Eadward's bequest nor Harold's fealty could give William the slightest claim to the crown of England, because neither Eadward nor Harold, but only the assembled Witan of the realm, had any right to dispose of it. This is so plain that the Norman writers themselves put this answer into Harold's mouth.* Eadward's bequest, in itself worthless till confirmed by the election of the Witan, was set aside by his later bequest in favour of Harold. Harold's oath to William might bind Harold's own soul, but it could in no way bind the English people. Its violation might be a personal crime on Harold's part, it might afford a plausible *casus belli* to the Duke of the Normans, but it could not convert the Duke of the Normans into the lawful King of the English. Nothing could in itself be weaker than either claim, but the confusion of the two, mixed up with various collateral matters, such as the expulsion of the Normans from England, the murder of the Ætheling Alfred, the neglect of Peter's-pence on the part of the islanders, was enough to obtain for William a favourable hearing both from the Papal Court and from Europe generally. The circumstance which aroused most indignation against Harold illustrates one of the lowest superstitions of the time. The mere breach of fealty was a matter of every-day occurrence, which awakened no special censure; it would have been hard to find a vassal prince who had not broken his fealty over and over again. Harold's great crime—as the story runs—lay in profaning the relics of the saints by which he swore. Yet the same story represents him as being basely entrapped into this more solemn form of oath, and as swearing without the least notion that it was the relics of the saints on which he was swearing. Surely, if the saints were thought to be capable of personal vengeance, their wrath would have fallen much more justly upon William for profaning holy objects to such a fraudulent end. Yet there can be no doubt that it was this, more than anything else, which turned general European opinion in William's favour and gave to his invasion of England something of the character of a Crusade.

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together for the benefit of the Emperor Otto the Fourth. Harold, King Eadward's nephew or grandson (nepos), is sent to Normandy for his education. He there contracts a close friendship for William. They engage to marry each other's sisters. Harold is unwilling to do so, but landing in *Flanders* he is entrapped into the marriage, as in all other versions into the fealty. As he fails to give his sister to William, the Duke comes over, wins the battle, kills Harold, marries his sister and reigns by a Crown Matrimonial. (*Otia Imperialia*, vol. ii. p. 20, ap. Leibnitz, *Rer. Brunsw. Scriptt.*, vol. i. p. 945.)

* Will. Malmes. vol. iii. p. 238.

Armed with such a title as this, William ventured on the invasion of England. A combination of circumstances, above all the simultaneous invasion of Harold Hardrada, enabled him to land at Pevensey and to conquer on the hill of Senlac. As soon as Harold had fallen, it at once became plain what England had lost in him, and how little fitted any surviving Englishman was to take his place. To that tremendous energy which had sped from the field of victory at Stamford-bridge to the field of overthrow at Senlac succeeded two months of the most contemptible drivelling on record. England was not conquered; the invader at most had possession of a single county; there were plenty of brave hearts and stout hands to resist him, but there was no leader. It took William full five years really to conquer England, but, after Harold was gone, William never again met Englishmen arrayed against him in a pitched battle. Indeed he hardly met them again in arms at all till, as elected and consecrated King, he had a formal right to deal with them as rebels. Two or three short sieges were all the opposition that William met with between his victory and his coronation. Had the courage and patriotism which spent itself in local revolts after he became King been concentrated in another effort like Harold's to hinder him from becoming King, the Norman Bastard would never have received the crown of Cerdic in King Edward's minster. The precious interval was spent within the walls of London in selfish dissensions and conspiracies. The child Eadgar was elected King, and the Northern Earls, as faithless to him as they had already been to Harold, and were about to be to William, left him to his fate. While the strength of the country was still untouched, London surrendered, the chief men of the whole land did homage, the invader was elected, crowned, and anointed King with all the rites which national usage prescribed. The wonderful advantage which he thus gained cannot be overrated. But we must here make a distinction which is apt to be forgotten, and we must guard against two errors of opposite kinds. In the vulgar view William became King at once upon his victory; the almanac-makers date his reign from St. Calixtus-day and not from Christmas. In the view of Hume and writers of that sort all later opposition is mere rebellion, justifiable rebellion perhaps, but still rebellion against a *de facto* King. Thierry, on the other hand, dwells exclusively on the gradual conquest of the whole country, as if the resistance which William met at Chester in 1070 was exactly of the same kind as the resistance which he met at Romney in 1066. There was between the two all the difference which was involved in William's formal

assumption of the English Crown. The resistance which William met with during the first five years after his coronation was not exactly revolt against an established King and not exactly resistance to a foreign invader. William was King, so far as being formally chosen and crowned, formally acknowledged by most of the chief men in Church and State, could make him King. He was King in so far as, except during Eadgar's momentary reign at York, there was no other King. But he was not in possession, either military or civil, of the whole country, and if this or that earl or bishop had acknowledged him, the mass of the people had done so only in London and the neighbouring shires. A resistance to a King so placed could not be called revolt against an established government. But it was necessarily resistance of a local and desultory character; each city or district fought for its own liberties and not for the liberties of England; and in many cases, though the people had never submitted to the Conqueror, they were led by chiefs who had become his men and had received honours at his hands. Add that the whole resistance took the form of a reaction after submission. When William first left England in 1067, he had actual possession of hardly half the kingdom, but within that half he was the acknowledged King, and there was no acknowledged King anywhere else. The oppressions of Odo and William Fitz-Osbern during his absence led to insurrection in the part which was already subdued and to more determined resistance in the part which was still unsubdued. But all this gave William altogether the appearance, and in some measure the reality, of a lawful King subduing rebels against established authority. He was thus enabled to conquer the country bit by bit, and to use the forces of one district in bringing another under his obedience. William, like Henry VIII., had the wonderful advantage of being able to do whatever cruelty or injustice he wished to do under the mask of the forms of law.

William then gradually conquered England; he gradually substituted foreigners—by no means always Normans—for Englishmen in all high offices; he gradually, as lands came into his hands, transferred all the greatest class of estates from English to foreign owners. The English thus became an inferior class on their own soil. But William did nothing directly to uproot the laws, the language, or the nationality of Englishmen. Whatever was done in this way was the gradual and indirect result of the Conquest, but nothing more. 'French' and 'English' are distinguished throughout William's reign and those of his sons; but though there was

much to depress and to oppress the Englishman, there was no distinct legislation against him. He laboured under many practical disadvantages, but there was nothing to prevent his overcoming them if he could, nothing to hinder the two nations from gradually fusing into one. Lands and honours were largely transferred to strangers, but the foreign landowner held his land by the old English tenure, and the foreign judge had to administer the old English law.* Let us again hear Sir Francis Palgrave:—

'England suffered most acutely by the Norman Conquest: but, comparing as far as we can imperfectly know and tell, the similar or analogous punishments of nations, never was so crushing a subjection accompanied by less oppression and wrong. Bitter oppression, cruel wrong;—yet oppression, which, according to the world's opinion, is inevitable; wrong which the statesman never fails to justify. In proportion as the grades of society descended, so did the hardships diminish. There was no permanent evil inflicted on the great masses of society. The shattered and decayed elements of old English policy were preserved, and the means provided for reuniting them in a more efficient organisation. London retained all her Anglo-Saxon integrity. London Stone was not moved. All the Stokes preserved their franchises. Colchester Townsmen met in Colchester Moothall. Lincoln's Lawmen kept their statutes. The Burghs of Mercia held their "morning speech" even as their kinsmen in the red Westphalian land. No Englishman, who patiently had continued in scot and lot, became an alien in his own country. No peasant was expelled from his cottage, no churl from his patrimonial field. So far as the Norman administration reached the villein, he obtained greater protection for the fruits of his labour, more assurance in the quiet and comfort of house and home, than he had enjoyed under the Confessor. His rent could not be raised, his services could not be increased. Above all, no "penal "laws," no persecution of faith, no legalised degradation, no spite against nationality, no proscription of dress or language, no useless insult, no labour of hatred to render contempt everlasting; no "Glorious Memory," no "Boyne Water," no "Croppies lie down." —Before the first year after the Conqueror's death has closed, we shall see the favour of the English nation sought by the Norman king.'

Here, as usual, there is exaggeration, but the main facts are indisputable. The picture drawn by Sir Francis at least comes nearer to the truth than the extravagant colouring of Thierry

* 'Lagam Eadwardi Regis vobis reddo,' &c., says Henry I. It is amusing to find in the corrections of the press, 'for *lagam* 'read *legem*.' Sir Francis accurately copied King Henry's Latin, barbarous as it may be; but his editor seems not to have understood it.

the other way. Thierry, throughout his narrative, colours every story, by thrusting in epithets which he does not find in his authorities. If any one is oppressed, he quietly puts in the words 'Saxon,' 'Englishman,' and the like, to imply not only that the oppressed person was necessarily an Englishman, but that he was oppressed *because* he was an Englishman. We can well believe that this was often the case, that an Englishman often failed to obtain justice when a Norman would have obtained it without difficulty; but we have no right to assume it in every case without evidence. It would be a good exercise for any one to go through Thierry's whole story, verifying all his references. He would not often find direct misrepresentation or misquotation. But he would almost always find that the context of the original gives the story an utterly different tone from that which it receives in the vivid and picturesque narrative which has led so many astray.*

We are, indeed, inclined to think that most modern writers have a tendency to exaggerate the amount of conscious national feeling which existed in the eleventh century, either in England or elsewhere. If any people ever was, in the slang of our day, an 'oppressed nationality,' the English were so under our two Williams. But they show very little consciousness of their condition. Nowhere do we find so little expression of strictly national feeling as in the most strictly national record, the Saxon Chronicle. The Chronicler bitterly deplores the oppressions of William's reign, but he never once sums them up, as a modern writer would do, in the one phrase of 'foreign 'dominion.' He feels that William is very different from the kings that were before him, he feels that the state of things

* Let us take two instances out of many. William, in 1085, arrested his brother Odo on several charges. Orderic (647 B.) puts a speech into the King's mouth, in which three of the accusations run thus: 'Angliam vehementer oppressit,' 'crudeliter pauperes 'oppressit,' 'totum regnum injustis exactionibus concutiens ex-'agitavit.' Thierry, professing to follow Orderic, leaves out the last charge and thus colours the two first, 'Le roi accusa l'évêque 'd'avoir maltraité les *Saxons* outre mesure, *au grand danger de la* '*cause commune.*'

The other is the story of one Brihtstan in the reign of Henry I., given at length by Orderic, p. 629. It is clear that Brihtstan was of English descent, that he was a man of considerable wealth, that he was vilely treated. But there is no evidence that he was so treated *because* he was an Englishman, or that the same unjust judge might not have treated a Norman as vilely. But Thierry, by constantly sticking in 'l'Anglais,' 'le Saxon,' &c., gives the story a turn for which there is no foundation at all in the original.

has greatly changed, and changed greatly for the worse, but he seems to have no idea of the real cause of the change. No 'oppressed nationality' now-a-days could lament more bitterly, but modern lamentations would take another form. We do not mean that no national feeling existed, that men were not conscious of the difference between a countryman and a stranger; we do not mean that, even in the Chronicle itself, the consciousness of such difference is not plainly marked. But we doubt whether, either in England or anywhere else, the feeling had, in that age, assumed the distinct shape which it has assumed in later times. England especially was used to the presence of foreigners. She had learned to place one foreign conqueror, whose beginnings had promised much worse than the beginnings of William, among the best and noblest of her native princes. The experience which England had had of the good government of Cnut, probably helped in no slight degree to pave the way for the success of William. And the promotion of foreign earls and bishops was only the continuation to a greater extent of a system to which men had been already used under King Eadward. They knew that a stranger was not necessarily an oppressor; even Godwine and Harold, in the full swing of triumph, did not drive out all Eadward's foreign favourities; the bad were driven out, but those who had not abused their position retained their honours.* But however all this may be, it is certain that there is a remarkable absence in the Chronicle of the sort of complaint which we should have looked for, complaint of the domination of strangers as strangers. When we come to writers who lived further from the event, the expression of national distinction becomes much plainer. That is to say, in William's own reign men had no leisure for speculation on these matters; afterwards they began to think and speculate and remark the distinction between the races and the effects of that distinction. Each generation saw the difference more clearly as a matter of history, even while each generation saw another stage in the practical healing of the breach. When we reach Robert of Gloucester, he talks of 'Normans and Saxons,' as Thierry himself might have done, in words which Thierry has appropriately chosen as a quotation to wind up his history.†

* Compare the Chronicle A. 1052 with Roger of Howden on the same year (Scriptt. post Bed. p. 254). William, the Norman Bishop of London, seems to bear a good character both before and after the Conquest.

† 'Of þe Normannes beþ þys hey men, þat beþ of þys lond
And þe lowe men of Saxons, as ych understonde.'

In estimating the effects of the Conquest, no question is more important, or rather we may say that it is the question itself, how soon and by what steps were the Normans and English fused into one nation? It is very curious to trace the way in which the old phrase, 'Franci et Angli,' as an exhaustive division of the 'King's men,' gradually dies out. But the inquiry is rendered more difficult by the question which constantly occurs—who was French and who was English? There is no doubt as to the position of a man who had fought for William at Senlac; there is none as to that of a man of unmixed Old-English descent.* But under which head came the children of the first Norman settlers? What were the feelings of a man, son of a Norman father, but born on English ground, often of an English mother, holding English estates and English honours, obeying and administering English laws? When the 'King's men, French and English,' were summoned to his standard, among which class did such a man do his service? We do not ask about great earls and bishops; what were the feelings—in modern phrase, what was the 'nationality,' of a citizen, a yeoman, an ordinary priest, an ordinary country gentleman, to whom England was his birthplace and his home, but whose father or grandfather had fought on the winning side at Senlac? We are indeed told, in a rather rhetorical way, that, at the end of the Conqueror's reign, it was a disgrace to be called an Englishman†; but, surely natives of England, born subjects of the King of the English, knowing no other country and owing no allegiance to any other sovereign, could not very long have refused the name. And in estimating this difficulty we must not forget the constant immigration that went on after the Conquest, the multitude of foreigners of all kinds who kept coming over to make their fortunes in England, to the prejudice alike of men of Old-English race and of the descendants of the original settlers. The words 'Angli,' 'Franci,' 'Normanni,' thus become ambiguous; in a transitional period they were doubtless often largely used, so that the same man might call himself Norman or English almost indiscriminately. The result is

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The whole of this writer's remarks on this subject are very curious. See vol. i. p. 363, 4th ed. 1810.

* 'Angli naturales,' Ord. Vit. p. 666 D.° 'Antiqua Anglorum ingenuitas.' Eadmer, p. 48.

† Hen. Hunt. p. 212: 'Ita etiam ut Anglicum vocari foret 'opprobrio.' Cf. Ord. Vit. p. 782 B.: 'Num prosequi me ritum 'autumat Anglorum.'

that we do not always know under which head to class natives of the land of foreign extraction. When we read that Thomas of London was the first Englishman raised to the see of Canterbury since the Conquest, it undoubtedly means, not that he was, which he was not, of Old-English descent, but that he was the first native of England, of whatever blood, who had held that place since Stigand. But when Eadmer complains that Henry I. promoted men of every nation except the English*, does he reckon the grandsons of William's followers among the favoured or the rejected class? When an English poet exults over the fate of the Norman companions of the Ætheling William†, does he mean by Normans natives of Normandy or men of Norman blood wherever born? There is an obscure story, of which, of course, Thierry makes the most, of a conspiracy against the 'Normans' early in the reign of Stephen.‡ Have these words the same meaning which they would have had in the days of the Conqueror, or do they merely mean what a conspiracy against the Poitevins or the Savoyards would have meant in the days of Henry III.? Fully to answer these questions would require the minutest study of every indication to be found in the writers of several generations. Such a task would be a long one, but, as a specimen of what we mean, we will see what light is thrown on the matter by the manner of thought and speaking to be seen in two of our principal authorities, one of them Sir Francis's special favourite, namely, William of Malmesbury and Orderic.

Orderic, as we have seen, was born in England of a French father, but very probably of an English mother, nine years after William's accession. Now Orderic undoubtedly looked upon himself as an Englishman. He calls himself 'Angligena,' he speaks of his removal to Normandy as banishment.§ It may be said that to one who was not a native Norman, Normandy was a land as strange as England. But then we must remember how vast a proportion of William's followers were no more Normans than Orderic's father. Soldiers of all countries

* P. 110. cf. 94.

† Hen. Hunt. A. 1120:

'Num Normannigenæ Gallis clari superatis
Anglica regna petunt, obstitit ipse Deus.'

The title of Ætheling—Guillelmus Adelingus—is given to this prince by Orderic 869 B.

‡ Ord. Vit. 911, 2.

§ Ib. p. 548 A: 'De Angliâ in Normanniam tenellus exsul ut æterno Regi militarem destinatus sum.'

followed his standard and received English estates and English wives as their rewards. Priests of all countries came to share the benefices of the conquered land, from Lanfranc on his metropolitan throne to Odelirius in his wooden chapel at Shrewsbury. Now it is clear that Odelirius, an immediate follower and favourite of a great Norman earl, took no pains to bring up his son otherwise than as an Englishman. Earl Roger's French confessor was clearly living on terms of friendship and equality with the two English priests, to one of whom he paid the compliment of naming his son after him, while to the other he entrusted that son for education. It is clear then that he did not look on all his English neighbours as 'Saxon' churls and swine. And if Odelirius was thus well disposed, his influence over his patron and son in the faith could hardly fail to have been exercised to soften the fate of those among the conquered with whom Earl Roger had to deal. Now no doubt we here have a specially favourable case, but it can hardly have been an unique case; it at least shows that it was not impossible for the conquerors and the conquered to sit down quietly side by side. What happened at Shrewsbury must have happened elsewhere, and the son of many a foreign settler must have grown up with a heart as truly English as Orderic had. Through Orderic's whole work we see a most curious struggle between his national English feelings, backed to be sure by his natural sense of right, and the opposing traditions of a Norman monastery. He follows the narrative of William of Poitiers as far as William of Poitiers could guide him, and then begins to write for himself in a more independent spirit. He had been taught—even Siward would not be allowed to contradict that lesson—that Harold was wrong and that William was right; but he is no slavish flatterer of the Conqueror, like William of Poitiers. He admires the great king, doubly his sovereign, whom he had heard of with awe and wonder as a boy; but he exercises a free criticism on his actions, and he censures his cruel devastation of Northumberland as it deserves. Altogether we think that Orderic, his whole position and his whole way of writing, supply a most important witness on behalf of the general view taken by Sir Francis Palgrave. Nor does William of Malmesbury really tell a different story. His profession of impartiality, combined with his constant insinuations to the prejudice of the English, is to our mind less endurable than the outspoken enmity of William of Poitiers. But the way in which William of Malmesbury is obliged to mask his Norman partisanship is, in its way, a witness to the gradual

blending of the two races no less than the honest English sympathies of Orderic. William was undoubtedly of mixed race, and he spent his life in England. Why, then, is he less English in feeling than Orderic, whose mixed origin is only matter of surmise, and who spent his life in Normandy? The difference in feeling between the two is probably owing in a great degree to different social position. William was evidently born in a higher rank than the son of the priest of the wooden church at Shrewsbury. Doubtless the prejudice of birth was more enduring in proportion as the rank of the persons concerned was higher. No doubt the mixture of the two races had a most real, though mainly unconscious influence. But we may suspect that, among the higher ranks, the offspring of a mixed marriage was, for the first generation or two, liable to be looked on as a sort of half-caste. Lower down in the social scale the feeling would be much less strong. Thomas of London, born in 1118 of Norman parents settled in England, gives no sign that he was ever looked upon as anything but an Englishman either by himself or by anyone else.

And now as to the transfer of the land from English to foreigners. On this point Domesday is of course our chief evidence. Now a careful study of Domesday will certainly guide the inquirer to that middle view of the subject for which we contend throughout. The Survey shows that there was a transfer of property on an enormous scale, a transfer complete enough to exclude every native Englishman from a place in the highest class of landowners, and thus to found a real territorial aristocracy of foreign origin. But Domesday gives no support to the popular notion that every Englishman was turned out of house and home. We find, indeed, no Englishman in possession of such enormous estates as those held by some of the Norman barons. But we find a vast number of Englishmen either retaining smaller holdings of the King *in capite* or holding as tenants of some intermediate lord. We may suspect that, in a great number of cases, the actual occupant was not disturbed at all.* He often lost a portion of his lands, he was often reduced to hold of another what had been his own, but there is no ground for the belief that men who quietly submitted to the

* See a curious story in Wilkins' 'Leges Anglo-Saxonicæ,' p. 287, how a certain Eadwine in Norfolk contrived, after much tribulation, to keep part of his lands, but we need not infer that every English landowner who occurs in Domesday was worried in the same manner.

foreign government were, as an ordinary thing, turned adrift landless and homeless. As for the actual process of the transfer, there can be no doubt that confiscations, doubtless sometimes very arbitrary and unjust, largely helped in this work, but mere confiscation was not all. In many cases the Norman or other foreigner got peaceable possession of an English estate by marrying an English heiress or widow. In this case the possessor in the next generation simply inherited the estate of his maternal grandfather. All property again which was attached to any office, all land—and Sir Francis shows that there was a good deal of land so circumstanced—which was not strictly hereditary, came gradually into the King's hands for fresh disposal. And at William's first entry, the vast estates of Harold and his family lay ready to be dealt with as the forfeited property of traitors. Indeed, there seems reason to think that this rule was applied to all who could be proved to have fallen or fought at Senlac.*

The two points to be established are, that the transfer of lands and honours was very gradual, and that, though very extensive, it was not absolutely universal. The picture, in short, which Domesday gives us is, when translated into modern language, that of a great nobility wholly, or almost wholly, of foreign origin, a nobility of which probably none were of Old-English descent by the full blood, but of a smaller gentry, a yeomanry, a class of burghers, among whom the two races were mixed up in such a way that in a generation or two there could be little means of distinguishing them. †

We think that we may fairly set down as established truths, in utter opposition to the theory of Thierry, and in substantial agreement with Sir Francis Palgrave, that the transfer of land at the Conquest was much less complete, and that the fusion of the two races took place much more speedily, than the popular version of the story represents them. It is clear to us that, by the time of Henry II., every native of England looked

* See 'Dialogus de Scaccario,' vol. i. p. 10, apud Madox, 'History of Exchequer.'

† So the 'Dialogus de Scaccario,' vol. i. p. 10 (ap. Madox, Hist. of Exchequer): 'Tam cohabitantibus Anglicis et Normannis, et alterutris uxores ducentibus vel nubentibus, sic permixtæ sunt nationes ut vix discerni possit hodie, de liberis loquor, quis Anglicus quis Normannus sit genere.' He goes on to except the villains at one end, and he might doubtless have excepted the great nobles at the other, but no doubt the description is eminently true of the intermediate classes in the reign of Henry II.

on himself as an Englishman, and that even Englishmen of foreign descent were beginning to share the genuine insular feeling towards men of foreign birth. And we must always remember that 'Englishman,' 'Anglus,' 'Angligena,' was the only name that was ever opposed to 'French' or 'Normans.' We talk of 'Normans and Saxons,' but no Englishman of that age called himself a 'Saxon,' or was called a 'Saxon' by his Norman neighbour or master.

We are deeply grateful to Sir Francis Palgrave for more than one energetic protest against this misleading popular use of the words 'Saxon' or even 'Anglo-Saxon,' as the proper term to oppose to 'Norman.' It is therefore to be regretted that his Editor should, in his Table of Contents and his marginal analysis, have constantly brought in the expression which his father so distinctly eschews. 'I must needs here pause,' says Sir Francis, 'and substitute henceforward the true and ancient 'word English for the unhistorical* and conventional term 'Anglo-Saxon, an expression conveying a most false idea in 'our civil history. It disguises the continuity of affairs, and 'substitutes the appearance of a new formation in the place of 'a progressive evolution.' (vol. iii. p. 596.) So again:—'Our 'readers will recollect that, in conformity with our denial of 'the real existence of an Anglo-Saxon nation, except as a con-'venient, though somewhat delusive mode of designating the 'English of the ante-Norman period, so also must we deny 'there being any Anglo-Saxon language. If you had asked 'Alfred what he had in his hand, he would have answered it 'was an Englisc-boc, and would have been wonderfully sur-'prised if you had given it any other name.' (vol. iii. p. 631.) The name of our nation then, as now, was 'English,' the only name known to ourselves, the only name known to foreign nations, save that the Celts within Britain, then, as now, thought

* The form 'Angli-Saxones' or 'Anglo-Saxones' is sometimes used to express *the nation formed by the union of Angles and Saxons;* not, as people commonly mean by it, 'Saxons settled in England.' But 'Angli' alone is far more common, and 'Saxones,' we think we may safely say, is never found in this sense, except when the words or matter is borrowed from a Celtic source. *Saxon* always means the inhabitants of the distinctly Saxon part of England, never the whole people, and it is never opposed to 'Norman,' 'Frenchman,' or the like. Orderic, indeed (666 A.), makes certain Normans say 'Saxones Anglos prostravimus;' but surely this is a mere flourish, like calling the Byzantine Empire 'Ionia' and its inhabitants 'Danai' and 'Pelasgi.'

good to call us 'Saxons.'* The familiar opposition between 'Normans' and 'Saxons' wipes out, as Sir Francis shows, the real facts of the case. It makes us fancy the 'Saxons' to be some foreign and extinct people, instead of being simply ourselves. It was the English people over whom William claimed to reign; it was the English people among whom he established himself and his foreign followers, and it was the English people into whose greater mass the smaller Norman element was gradually absorbed. It was the English language which he strove in vain to learn, but which his youngest English-born son spoke seemingly from his childhood.† It was the English law which he confirmed; 'King of the English' was the highest title which he handed down to his descendants, and it was to the known loyalty of Englishmen that those descendants appealed against the assaults of Norman traitors.‡ By using the 'delusive' name of 'Saxon' where writers of the time know no name but 'Englishman,' we not only wipe out a characteristic of the age, but we give up our national inheritance, we separate ourselves from those earlier periods of our history from which William himself had no will to cut us off.

Sir Francis Palgrave's remarks on the effect of the Conquest on language deserve most attentive study, but we have no space to do more than call attention to them. Like the whole of the chapter on the Results of the Conquest, they are mere hints which we long to see worked out at greater length.

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* This is perfectly clear of the age of William, it is not quite so clear as to earlier times. Eginhard (Vita Karoli, p. 25) calls Alcwine 'Saxonici generis hominem,' and (Annales, 808) a certain Ealdwulf 'de ipsâ Britanniâ natione Saxo.' Now Alcwine certainly, and Ealdwulf probably, were Northumbrians, therefore not Saxons. But in Eginhard's time the two nations had not coalesced, the name of 'Anglia' was hardly known, and the names of its inhabitants might well be used confusedly. Even in the sixth century Gregory the Great speaks of the Jutish Æthelberht and his people as 'Angli.'

The point is that, in the eleventh century, 'English' and not 'Saxon' was the name of the nation and the word opposed to 'Norman.'

† Sir Francis Palgrave (vol. iv. p. 225) has clearly made this out. Henry, born in England of a crowned King and Queen of the English, was throughout looked on by the English as a kind of countryman. It would quite fall in with the policy of William at the time of Henry's birth to cause him to learn the English language.

‡ See Ord. Vit. 667 A. Compare the Chronicle A. 1088.

And among these hints we come across one hint more important than all, and one of especial interest to ourselves. The readers of our former articles on kindred subjects may perhaps remember that we called attention to the vast importance of the reign of Henry II., whose accession we spoke of as 'almost equivalent to a second Conquest.'* We are therefore rejoiced to find Sir Francis Palgrave reaching substantially the same conclusion as ourselves, though apparently by a different process. We were speaking mainly of what Dr. Vaughan calls 'Revolutions of Race,' of the practical subjection of natives of England of both races to utter foreigners. Sir Francis is speaking, as is his wont, of formal laws and institutions. The changes in the law commonly attributed to the Conqueror Sir Francis attributes to his Angevin great-grandson. 'In all these circumstances I can find the most 'evident and cogent proofs that a great revolution was effected, 'not by William, but by Henry Plantagenet.' (vol. iii. p. 601.) To this 'revolution' Sir Francis attributes the introduction of those special feudal incidents which we commonly attribute to the Conqueror, but of which Sir Francis's own researches have discovered no trace either in England or in Normandy before the accession of the line of Anjou. Here then is a most important line of inquiry barely hinted at and in no way worked out. This again makes us deeply regret that we have from the hand of Sir Francis Palgrave only a fragmentary account of the reign of William and of the reign of Henry no account at all.

As a composition, the masterpiece of Sir Francis Palgrave is his history of the reign of William Rufus. For our own sakes we would gladly exchange it for a finished narrative of the reign of his father, but it is a gain to have any portion of our national history thus recorded by Sir Francis in his best manner. Every reader can judge for himself of the life-like tale which Sir Francis had wrought out of the actions of the worst man—possibly not the worst ruler—who ever sat on the throne of England. We can add our own witness to the unfailing accuracy of the whole narrative. Sir Francis has here no theories which could possibly lead him astray, and his unvarying sympathy for everything good and generous finds the fullest play in this part of his history. The portraits of Anselm, the true saint, great, not in any commanding political ability, but in the simple majesty of his righteousness, of the King, highly gifted by nature, ever and anon in his worst

* Ed. Review, vol. cxii. p. 159.

days giving signs of nobler capacities within him, but sinking from bad to worse till he reached a depth of wickedness and vice over which history is obliged to draw a veil—both these are portraits drawn indeed with a master's hand. We must not confound the struggle between William and Anselm with the later struggle between Henry and Thomas. The latter was a struggle between two political principles, each of which had in that day much to say for itself; but the opposition of William to Anselm was simply the natural opposition between evil and good. The saintship of Thomas, though sincere, was still artificial; he had a theory of what a saintly bishop ought to be, and he consciously tried to act according to that theory. Anselm had no theory at all; he simply obeyed the instincts of his own conscience and the laws of the society to which he belonged. The thorough clearness of insight and fairness of judgment with which Sir Francis Palgrave has set forth the lesser * ecclesiastical struggle of the eleventh century gives us another ground for regretting that we cannot have from his hand a picture of the greater ecclesiastical struggle of the twelfth century. We should be well pleased to enlarge on many other points in this volume, especially in the two brilliant episodes on Scotland and on the First Crusade. In the Scottish chapter, again, we have another personal picture, that of Queen Margaret, drawn in Sir Francis Palgrave's best manner, and we have a clearer description than can perhaps be found anywhere else of the process by which the Teutonic element in Scotland finally triumphed over the Celtic. It is most singular to trace how, on the one hand, the Celtic kings gradually estranged themselves from their own people, and identified themselves with the Teutonic portion of their subjects, and how, on the other hand, the Teutons—in plain words, the English—in Scotland gradually adopted the name and the national feelings of the Celts whom they continued to look upon as enemies or bondsmen. No part of the book too is fuller than this of those passages in which Sir Francis in some sort assumes the prophet's mantle, and deals forth those denunciations against our own age and our own nation of which some of us may dispute the justice or the relevancy, but of which no one can deny the earnestness or the eloquence. The chapters on the Crusade are equally brilliant, but, with regard to a large portion of their contents, we are obliged to part company with Sir Francis. We cannot think that he

* Greater and lesser in England; in Christendom generally the two epithets would be reversed.

has done justice to the Crusaders. We cannot think that the crusading spirit was in itself so essentially unrighteous as he represents it. We mean of course the mere general principle of the Holy War, as distinguished from the vast mass of individual folly and wickedness with which that Holy War was in practice disgraced. A few schemers like Bohemond may have taken the cross with the ulterior object of overthrowing the Eastern bulwark of Christendom and of carving kingdoms for themselves out of the tottering empire of Alexius. But surely no such calculations animated the great mass of the Crusaders, good and bad. And surely, if arms are ever to be borne at all, the Christian nations of Europe were fully justified in drawing the sword to preserve the right of performing what they looked on as the holy work of pilgrimage to the Sepulchre of Christ. In so saying, we of course simply defend the principle of the Crusade. On the actual conduct of most of the Crusaders Sir Francis Palgrave may be as severe as he will.

We end our remarks with a feeling of real sorrow that nothing more from the same hand can follow this noble fragment. As critics we regret that it is only in a posthumous work that Sir Francis Palgrave has done his powers full justice, that we have had no opportunity of congratulating the living author on so brilliant a success, or of arguing out with him those points on which we still hold his views to be unfounded. We have endeavoured to treat the dead writer as we should have treated him had he still been spared to us. We have endeavoured to record our general admiration, our general agreement, and at the same time to point out the frequent exaggerations of Sir Francis's theory, and also to express our regret that one of the noblest of England's worthies has found at his hands a treatment so unworthy of his deserts. But if Sir Francis Palgrave has been cut off while the greater part of his task was still imperfect, he has left behind him hints which may make the fortune of more than one future historian. A full examination of the effects of the reign of William the Conqueror as compared with those of the reign of Henry II. would be a worthy subject for any one of the foremost of those true historical scholars who have at last learned to draw the knowledge of English history from the only sources where it can be found.

ART. II.—1. *A Dictionary of the Bible, comprising its Antiquities, Biography, Geography, and Natural History.* Edited by WILLIAM SMITH, LL.D. In 3 vols. London: 1863.

2. *A Cyclopædia of Biblical Literature.* Originally edited by JOHN KITTO, D.D., F.S.A. 3rd edition, greatly enlarged and improved. Edited by WILLIAM LINDSAY ALEXANDER, D.D., F.S.A.S. Vols. I. and II. A. to L. Edinburgh: 1862–4.

THE proverb which describes a huge book as a huge evil did not contemplate the case of dictionaries and works of reference; nor will any one be inclined to apply it to them, except perhaps the unfortunate student whom Dr. Smith invites in his Preface to read his three thick imperial octavos 'through 'from beginning to end.' We confess that even our own critical appetite has not enabled us to devour the whole of the six thousand closely-printed columns which compose the Dictionary of the Bible, still less the even ampler instalment of its yet more ponderous rival. With the latter, however, we have long been familiar in its original form; and with the former, of which we purpose more especially to speak, we have continued to make acquaintance since we noticed it last January, turning to it constantly, both as occasion required and as a systematic examination of its various departments has led us. Meanwhile we have given careful attention to the remarks of our contemporaries—some of them couched in terms we think of too indiscriminate praise—others of blame, which, though by no means indiscriminate, and evincing indeed in more cases than one a profound knowledge of Biblical subjects, has yet appeared to us far too sweeping and severe for the faults which have been either detected or alleged. But detailed criticism of a work like this is apt to involve a more than proportionate expression of censure. Having ourselves no wish to dwell on blemishes excepting so far as they affect the prevailing complexion of the book, we shall give to our own remarks a more general character, attempting rather to estimate the somewhat changed position which the Bible is now assuming in the economy of Christianity, and the help which the works before us afford to the devout and thoughtful student.

The revived study of the Bible in this country is one of the most remarkable features of our time, and one which is doubtless destined to be further and yet further developed. *Revived*

study we call it; but we pause over the expression, which in more than one aspect may be challenged as inaccurate and ambiguous. In one sense (and that the most important), the study of the Bible has never ceased to be eminently a characteristic of the English, and still more of the Scottish mind. In no nations of Christendom have the hearts and thoughts, the feelings and language, of the people been more profoundly influenced and moulded by it. And though, on the other hand, there has been till lately a marked cessation of that deep interest in Biblical subjects among the higher intellects of the country, which at a former epoch marked our literature (and it is in this sense that we hail the reviving study of the Scriptures), yet here too we can hardly defend our expression as a correct one. For the form which that study is now taking is absolutely new. It is a recent development—a growth (so far as this country is concerned) of the present generation. The Bible is now approached not merely as a manual of theological dogmas—not merely as a vast repository of texts—not merely even as a field in which accurate scholarship and varied learning may find their worthiest exercise in the elucidation of idioms and allusions. It is more justly viewed as an intricate combination of the most diverse elements—a complex collection of the records of a progressive Revelation, and of the utterances which that Revelation inspired; records, moreover, fragmentary and partial, and varying both in their minuteness of detail, and in their historical value, yet neither minute in proportion to their importance, nor historically valuable in proportion to their theological significance; utterances, again, devotional, didactic, poetical, and varying widely in the spiritual culture, if not in the degree of inspiration they exhibit, yet not varying always either in accordance with their place in the ascending series, or with the apparent qualifications of their authors. To estimate and use aright such a collection of writings requires care and judgment and discernment of a very different kind from that which suffices for the comparison and explanation of texts. And the attempt to do this is a novelty to the British mind, almost as great a novelty to professed theologians as it is to the public in general.

The very name of Bible (on which Mr. Plumptre has a good article in the Dictionary before us) bears witness to its peculiar character. *Biblia*—not only so called as being spontaneously acknowledged by the grateful reverence of the Church to be *the* book, unrivalled, unapproachable, but bearing still by the 'happy solecism' (as both Dean Stanley and Mr. Westcott have expressed it) of its singularised plural the indication of

that multitudinousness in unity, which it is no less essential to remember if we would estimate it aright, and which it has been too much the habit of Protestant theology to forget or to ignore; the *Books*, the Scriptures, the collection or rather aggregation of sacred writings, through which our Religion has been heralded and announced as well as set forth and developed—the *Holy Library*, as Jerome and others felicitously named it.

To trace the theological harmony and unity of the parts thus brought into juxtaposition has hitherto been too exclusively the favourite object of Biblical students—to keep out of sight or explain away the inequalities which betoken discrepancy of sentiment or doctrine—to fit a text from one book of Scripture into a text from another, maintaining the absolute sameness of their testimony or else their supplementary design—to draw further conclusions from their combined propositions—to merge as much as possible the human authorship, and insist on the Divine—to lead away the thoughts of the reader, after a brief recognition of the undeniable facts of date, origin, and particular purpose, and fix them on the central unity which pervades the whole collection.

We are far from intending to disparage the reverent care which loves to bring out more definitely this unique characteristic of the Scriptures. It is the appropriate work of devotional theology to do so. And thoughtful criticism on its part will always recognise the unity thus indicated—acknowledging a oneness of fundamental purpose, a harmony of testimonies, and, in a transcendental sense, a unity of authorship also. But we are sure that juster, truer, and even more reverent views of this great principle will be gained, if we recognise fully and intelligently, instead of grudgingly and partially, the human variety of the several parts of Scripture, observing not the fact only, but its necessary significance, and acquiescing in its legitimate and inevitable consequences. Then we shall see the utter fallacy—and more than fallacy, the mischievousness also—of that species of theology, still so common amongst us, which is manipulated by the use of a 'Reference Bible'—culling here a text from the Gospels, and there a sentence from Chronicles—here an aphorism of St. Paul, and there a dark saying from Ecclesiastes—here a devout aspiration of St. John, and there a prudential caution from Proverbs—and forming out of the combination a *tertium quid*, which is supposed to contain the true mind of Scripture. We shall be delivered, too, from that still more plausible and deeply-rooted persuasion which thinks to extract latent doctrine out of delicate shades of

phraseology, and regards Greek and even Hebrew scholarship as an engine for penetrating to occult intimations of divine truth infused by inspiration into the sacred text. Important, unquestionably, as is the most careful and rigorous philological criticism to the right understanding of Scripture, it can only be successful according as it deals with language as a thing essentially human, investigating therefore the forms of thought which characterise a people or a period, tracing the idiosyncrasies of a writer, and proceeding to estimate the doctrinal value of this or that expression according to the standing point of him who uses it, the peculiar colouring of his style, and the position which he occupies in the graduated development of revelation.

In proportion as we recognise the reality of an object or group of objects, so do we become more and more aware of those shades of distinction and subsidiary niceties of detail which invariably exist. The broad masses of colour which popular opinion ascribes to the Bible, the unfaltering outlines, the utter absence of relief, are phenomena never actually found in nature, either in the physical or the moral world. It is the same with the products of the spiritual world. We are learning now at last to apprehend a thousand marks of discrepancy, which it has long been thought a religious duty to overlook. And the recognition brings to our minds a sense of expanse, of reality, and of harmony of blended diversities which the opposite habit prevented our attaining.

Looking forth over the wide field of Scripture, we feel ourselves to be gazing on a vast and varied landscape, with its endless distinctions of shade and distance, its multitudinous details, its complex and delicate outlines crossing, interlacing, melting into each other. To trace out consistently all the lesser lines which mark the middle and the further distances would be a task of indefinite magnitude. On some few of these we purpose to dwell with the aid of the works which we are noticing. But before passing on to smaller matters, we desire to insist strongly on one broad distinction which is too often insufficiently attended to—the sharp, strong line (we mean) which marks the interval between the Old Testament and the New. Here are two regions widely and definitely separated. The one, though in some sense distant from us, belongs to the very plateau on which we are stationed, the remotest points of which are still not only comparatively near, but lying on the same general level, and geologically one with the ground beneath our feet. The other is like a vast extent of country lying stretched below us, and melting into the natural horizon.

That wide and far-reaching tract—the field of the Old Testament—is beyond comparison more varied and diversified in its parts and proportions than the upper and nearer regions which belong essentially to Christianity. It is in the Old Testament especially, that we trace that composite character of which we speak—which it is so fatal to a true comprehension of it to overlook, so foolish to disregard or to slur over. The interest which attaches to the Hebrew Scriptures, as a literary study, depends mainly on the recognition of this fact. It is chiefly because Christendom has shrunk from the recognition, that scholars and philosophers have been so averse in general to Biblical studies, neglecting to so surprising an extent a branch of knowledge which, independently of its doctrinal value, presents such peculiar charms to a thoughtful mind. And the interest now newly awakened in the subject is coincident accordingly with the newly developed sense of its diversity and range. 'I gave up a book,' says an eminent Oriental scholar, in his remarks upon the Bible; 'I gave up a book, and found 'a literature.' And like all other instances where truth is brought out into greater distinctness, the result is gain for all to whom truth is precious—gain certainly, in this instance, immediate as well as eventual, in the department of Theology. The impression left upon the religious student by the contemplation of the Divine will so diversely manifested, working in many and successive modes, and deriving its objective unity not from a formal and monotonous sameness, but from the superintending laws of harmonious perspective, is far grander, far more satisfying, far more productive of faith and adoration, than the dull submission of the mind to the conclusions formerly imposed on it.

We may be pardoned for dwelling a little more minutely on the convenient and suggestive image which we have just employed. We remarked that in looking back on the field of Scripture we are surveying an almost boundless prospect (if the term may be allowed for what is a *retrospect* in reality)—a prospect bounded only by that beginning of the heavens and the earth which form its ultimate horizon. It will hardly be questioned that the beauty of this prospect, as well as its interest and instructiveness, is enormously enhanced by the analysis of it. But such an analysis cannot but modify many of the impressions which first strike the beholder, especially when it is conducted with the aid of the delicate instruments which modern science is ever bringing nearer to perfection. As we concentrate our attention on this point or on that, we see apparent masses broken up, unsuspected intervals revealed, relative positions

materially modified. Here a tract of forest is resolved into glades and groups of scattered trees; there a faint ridge of land discloses many minor outlines, interlacing, overlapping, receding from each other. Here a pile of building is perceived to have no connexion with the edifice of which it seemed to form a part; there a supposed obelisk on the hill-side is discovered to be the top of a spire rising from the nearer valley. And what the telescope reveals may be tested and followed out in detail by engines of yet more powerful agency. A really good Dictionary of the Bible supplies us with a whole apparatus for examining the vast and complex field of view before us: the alphabetical arrangement affording this convenience that we are thereby enabled to turn our telescope at will upon any minutest portion of the field. Nor, as we have said, is the process of observation confined to the telescope alone. In many respects it has a still higher and more scientific value—like the use of the sextant and the theodolite upon bases carefully and exactly measured. Indeed, there is a close analogy between these processes and those of analytical criticism. The exact measurements, the angular observations, the calculations by sound, the far-flashed signals of the geometrical surveyor, find their parallel in the investigations of the critic. He too selects the points of vantage ground, measuring and ascertaining the indubitable, and thereby estimating the doubtful and unknown; observing and registering coincidences and divergences both of statements and of phraseology; comparing the inward sentiment with the outward expression of it; and by the application of the rules of evidence, the laws of thought, and the principles of language computing distances and intervals, whether between the reader and the narrator, or between the narrator and the fact. Such being the case, we are put by a good Dictionary in possession of observations already made, of the registered calculations of experienced surveyors: we are invited also, and assisted, to employ the same processes ourselves, and to verify, correct, or carry further (if our ability permits it) the conclusions which others have arrived at. And whatever errors these computations in some cases involve, whatever imperfections necessarily adhere to every human instrument, whatever difficulties and acknowledged uncertainties remain after all, and must remain to the end in some regions of research inaccessible to human scrutiny, it is in vain to deny that enormous progress has been made both in the construction and in the use of these implements of observation; and that an enormous increase to our knowledge has been realised—knowledge fairly comparable, though under narrower limitations, to that which is gained by

engineers and chorographers by a systematic survey from a carefully-measured base.

Whether the volumes before us are all that they might be, and all that they claim to be, is another and distinct question. But that they possess high merit is at least indisputable. Nothing equal to them is to be found in other countries. France is still contented with improved and enlarged editions of Calmet —that especially which has been issued by M. Migne in his gigantic 'Encyclopédie Théologique'—a work which, though incorporating many of the researches of Oriental travellers and scholars, scarcely ventures on some timid advances in the departments of scientific illustration and of Biblical criticism. There are doubtless many scholars in France eminently fitted for the task required. But, as Credner has truly observed, 'the 'unchangeable decrees of the Council of Trent hinder all free, 'critical, and scientific treatment of the subject' in the Roman Catholic Church; and any united action of French Protestants for the purpose seems very unlikely at present. Even in Germany the want still remains. Winer's 'Biblisches Real-'Wörterbuch' is still (we believe) the last and best attempt to supply the deficiency. But highly and deservedly as this is esteemed by scholars, largely as it has contributed to the execution of the works before us, and favourably as it often contrasts with both of them, not only in comprehensive grasp, but also in the less usually German excellences of terseness and decisiveness, it lacks both the range and the completeness to which these works aspire, and which was claimed with some justice in comparison with it even twenty years ago for Kitto's 'Cyclopædia.'

But if these volumes be in some respects a proud trophy of British scholarship and judgment and enterprise, we cannot pretend that the learning which they embody is drawn chiefly from native sources. On the contrary, both the impulse and the guidance come in much the largest measure from Germany. In the case of the 'Cyclopædia,' a considerable number of the actual contributors are German; and in both books, indeed, more especially in the Dictionary, it is to German scholars and German thinkers that by far the greater part of the critical information is due. What our own country has contributed, except in some noticeable departments, is mainly the strong good sense, the practical tact, and the power of sifting cumbrous heaps of learning, which has reduced whole libraries to an available compass, and made accessible to ordinary students what none but the few could attain before, and they with prodigious labour. And if this practical good sense is some-

times accompanied also by too strong and decided a conservative leaning, we must not quarrel with that which is eminently an English characteristic also, and one which fulfils so important a purpose in the economy of Christendom.

The most casual examination of these volumes will show the supremacy which the great German authorities have acquired among well-instructed English theologians. Indeed, the progress of Biblical studies amongst us during the last thirty years has been commensurate with our increasing acquaintance with German divines — an acquaintance hardly begun when Dr. Pusey wrote his famous manifesto, carried on, under much obloquy, by Hare, Thirlwall, Milman, and Arnold, conciliating gradually a more favourable notice in the hands of Trench, Alford, and Stanley, and harmonised with a stricter Anglicanism in Ellicott; while its influence among Dissenters, encouraged by the example of Dr. Davidson, has been promoted also by the exclusiveness which drove them to the German Universities, and has been extended further among all denominations by the cheap translations published by Messrs. Clark of Edinburgh, till at last it has pervaded every section of the Church in Britain.

The accelerated growth of German influence amongst us is also due in great measure to the position occupied of late in their own country by such critics as Hengstenberg, Kurtz, Keil, and Delitzsch, who have conducted an extensive, and, in some sense, wholesome reaction from the rash and too often irreligious speculations of many who preceded them. And it is in this sense, we suppose, that by a claim literally rather than substantially true Dr. Smith professes to give his readers the results of 'the latest investigations of the best scholars.' How far this reaction has gone in Germany may be best estimated, we suppose, from an examination of Herzog's 'Real Encyclo-'pädie,' just completed. That it is both real and extensive there can be no doubt; nor, though it is due in great measure to political causes, are we disposed to underrate its importance in a higher aspect. Still we cannot believe that the present state of German opinion on Biblical matters is to be accepted as the nett result of the critical labours of the last hundred years; nor that its permanent continuance is either possible or desirable. Meanwhile in England it has certainly facilitated the spread of an influence which here at least assumes the form of progress. An English disciple of Hengstenberg writes in quite a different tone and with quite a different object from Hengstenberg himself; and even when standing at the

same point as his master, must turn his face in a very different direction to address an English audience.

In comparing the two works before us it would be unjust to forget what is due to the 'Biblical Cyclopædia' as the first in the field. It is now twenty years since the first edition of the 'Cyclopædia' was brought out by the late Dr. Kitto, being perhaps the most useful and valuable of the many productions of that remarkable man. He had obtained the assistance of several respectable and some eminent scholars and divines of both kingdoms and of various denominations of Great Britain, of others from America, and lastly, of some of the principal Biblicists of Germany, including Ewald, Hengstenberg, Hävernick, Tholuck, and Credner. And the result, though very unequal in merit, and in some points decidedly weak, was, on the whole, of great value, supplying to the candid reader help which he would vainly seek in the best of the recensions of Calmet, English or foreign. The work of Winer supplied to a great extent the model of the undertaking; and Dr. Kitto, while ably fulfilling the editorial duty of furnishing what his colleagues did not provide, abstained (and, as we cannot but think, wisely abstained) from harmonising the opinions of the contributors, and reducing them to his own theological views. The book, accordingly, though undeniably discordant, and (as we have observed) weak also in various points, was such as to cause an enormous impulse to the study and knowledge of the Bible, and soon acquired a position which till lately it had maintained without a rival.

Now, however, that Dr. Smith's Dictionary is completed, we cannot hesitate to acknowledge its decided superiority to its predecessor. Though confining himself almost entirely to England, and within these local limits to clergymen for the most part of the Established Church (balanced, however, by a lay element, of the utmost importance to the general result)*, Dr. Smith has secured the aid of a body of contributors who, for the purposes contemplated, have done almost all that could be wished. This is the more creditable to England and the English Church, and the more promising for the future, because (truth to say), with the exception of some fifteen or twenty, the contributors were not especially marked out for the task assigned them. The names of these excepted chiefs

* The following is, we believe, a correct classification of the contributors:—47 Anglican clergymen, 2 Scotch Presbyterian do., 1 Dissenting do., 4 American do. 1 Jew, 10 Protestant laymen, 1 Roman Catholic do.

will readily occur to all who read the list prefixed to the volumes, and among them assuredly must be placed the Editor himself. Dr. Smith has exercised his office in a much more thorough way than Dr. Kitto, yet without the unfortunate consequences which might have been apprehended. A learned and accomplished scholar himself, he has also brought to bear on the present work the fruits of his large experience in similar though less grave undertakings; and we see in the result the effects produced by consummate judgment and prudence. We cannot profess to have any personal knowledge of the secrets of his editorial closet, but knowing how much depends on the arrangements and distribution of a composite work like this, and how much may be done imperceptibly by editorial suggestions and counsels, we cannot but admire the forethought and skill by which so general a harmony has been secured. That very wide differences of opinion exist between the contributors is abundantly evident from the mere mention of their names; but inconvenient collisions are prevented by a skilful distribution of the parts. Sometimes indeed, even now, a simple reader is perplexed between the doctors whom he finds disagreeing in the columns of the same learned oracle: as when, after being convinced by Mr. Twisleton (art. 'Shiloh') that the popular interpretation of Jacob's prophecy is untenable, he finds (in art. 'Saviour,' followed by that of 'Prophet'), that the prediction thus interpreted is 'a great step made,' the 'first case in which the prophecy distinctly centres in one 'person:' or, as when Mr. Twisleton, on his part (art. 'Tyre,') maintains the late date of Job and of the second half of Isaiah in opposition to the writers of the articles on those books. More important discrepancies on far graver subjects come also sometimes to the surface, involving the questions of inspiration, tradition, modes of spiritual agency, and the relation of Judaism to Christianity: and these differences, while approaching perilously near to a contradiction in terms, are also sometimes brought into perilous juxtaposition by the alphabet, or actually confront one another on the same page, as in articles 'Micaiah' and 'Michael.' Still Dr. Smith has succeeded on the whole in producing a general coherency and agreement sufficient for all practical purposes. He has also discharged admirably, that other office of an editor of which we spoke just now—the office of furnishing the connecting links, filling in the gaps, and supplying the articles which were overlooked in the general distribution of parts—a thankless office, for the most part, and a weary one, but which it is highly important to perform efficiently. In this he has had the able assistance of

Mr. Grove, of Sydenham, whose contributions far exceed numerically those of any other writer in the Dictionary, and whose more important articles are among the very best which it contains; and the co-operation also, in the later part of the work, of Mr. Aldis Wright, the librarian of Trinity College, Cambridge, whose learning and accuracy make him a useful ally, though his own contributions are sometimes dry and ponderous.

Meanwhile the well-deserved reputation of 'Kitto's Cyclo-'pædia,' and the desire of bringing it up to the level of the present day, has induced the proprietors, Messrs. Black, to issue a revised edition, which they have confided to the care of Dr. W. L. Alexander, of Edinburgh. We have here the first two volumes, issued in a still more gigantic shape than Dr. Smith's, and reaching as yet only to the letter *L*, with the promise (though one which we think scarcely possible to perform) of completing the work in one volume more. In this new edition the articles on Egyptian and Assyrian Antiquities have been almost wholly re-written; as have also for the most part those on the Geography of the Holy Land; chiefly by two of Dr. Smith's own contributors, Mr. J. L. Porter and Mr. Stanley Leathes. And if, notwithstanding the very great improvements effected here, we can hardly allow that these departments have equalled Dr. Smith's, we must concede a counterbalancing superiority in another class of articles which have also been entirely re-written, those which treat of Jewish antiquities and embody Rabbinical and Masoretic lore; some of them by the learned Editor himself the greater part by a scholar favourably known to the public already by his works on the Megilloth, Mr. C. D. Ginsburg. Wisely resolving also to avoid too close a competition with his formidable and well-furnished rival, Dr. Alexander has carried out more fully the original diversity of the two works; and leaving to the Dictionary an acknowledged superiority as such, has enlarged his own department of 'Biblical Literature,' adding to Credner's and Davidson's articles on 'Biblical Cri-'ticism,' 'Introduction,' and 'Interpretation,' a series of notices on eminent commentators and critics; which, though occupying too much space already, and ever tending to claim more, is highly appropriate and useful. On the other hand, a part which is little altered, and when altered not always we think for the better, is that which consists of introductory articles to the various books of Scripture. More should have been done to bring these up to the level of the day. It was a homage justly due to the respected memory of Hävernick to leave his contributions (those on the Pentateuch) unaltered, but living writers might in all cases have revised their articles with advantage.

This Dr. Davidson has done for his part, with his usual exactness, in his notice on the Chronicles; in which as well as in a new article on the book of Ezra, he has been allowed to speak with entire freedom, not (we hope) as a preparatory compensation for the loss of his old subject, the 'Revelation.' Dr. Hengstenberg's article on Ecclesiastes (in which less than any other of his we saw necessity for change) has been replaced by a more elaborate one, nearly to the same effect, written by Mr. Ginsburg; and the Book of Lamentations receives a fuller and better treatment than before, from Mr. Deutsch. The concessions made to historical criticism are almost imperceptible; in some cases the present Editor shows a more decided opposition to its claims than his predecessor.

Nor is it only in the department of Introduction that the reactionary tendency of this new edition is displayed. Under the revising hands of Dr. Alexander, we lose a large portion of the more liberal articles which characterised the first edition of the work. We are sorry to exchange the clear and manly statements of the late Professor Powell on the facts of physical science for the elaborate attempts of Dr. M'Causland and others of the same school to prove that the statements of Moses and other sacred writers 'comport, with admirable pre-'cision, with the profoundest scientific conceptions of modern 'times;' and we regret all the more the cancelled article on the 'Lord's Day,' when we observe the ominous reference to 'Sabbath' which takes its place. On the other hand, the Editor has preserved the article on 'Inspiration,' which was one of the weakest of the contributions to the first edition imported from America, and represents a phase of opinion which thoughtful divines, even in Scotland, have begun to feel and confess is no longer tenable.* Dr. Smith, happily, has committed himself to no such line of argument, and it is well, probably, that in the present state of opinion he has forborne to introduce any article on Inspiration at all.

Before we proceed to follow him in his survey of the several books of Scripture, we may be allowed a few prefatory remarks. We protested in a recent Number against the assumption popularly made that the ancient Jewish Scriptures were

* The reactionary character of the present edition may be seen especially in the following articles, some of which, however, we do not deny, are improved in other respects. *Accommodation, Antilegomena, Canon, Chaos, Circumcision, Creation, David, Deluge, Demon, Demoniacs* [retained under a protest from the Editor], *Esther, Firmament, God, Hagiographa, Heavens, Hellenists, James, Jehovah, Joshua, Jude, Law, Loges, Longevity.*

purposely and expressly adapted by Divine wisdom to the wants of the whole human race; that their teaching was not only adjusted to the capacities and circumstances of the Jews, but intended also to be a constant and essential element in Christian doctrine, furnishing an indispensable groundwork of primæval truth, and claiming coextensive (though subordinate) authority with the precepts of the Gospel itself. Recognising equally with our opponents the Divine origin and authority of those Scriptures, we conceive their use to be limited nevertheless by the conditions of their acknowledged purpose; and that the very peculiarities which fitted them for the part they originally fulfilled, disqualify them without special adjustment for universal application.

The writers of the canonical books, though divinely commissioned and supernaturally qualified to instruct the men of their own time and nation, were left nevertheless to their own resources in all departments of ordinary knowledge, including the knowledge of events and incidents. They depended, even for contemporary history, on the best information which they could obtain; and for bygone times they drew their knowledge from such oral or documentary channels as preserved and conducted the memory of the past. The area of their inspiration extended only to the doctrine which they had to deliver; and, in dealing with history, only to the spirit, the judgment, the mind with which they regarded the events they commented on, and applied the existing records to the instruction of their hearers. Inspiration did not imply a clairvoyant acquaintance with transactions and circumstances remote from the range of their natural faculties. These conclusions, in which thoughtful men are continually inclining more and more to acquiesce, are strictly in harmony, we believe, with the claims and assertions of Scripture itself. The position which we maintain admits of ample illustration from the earlier sacred history; it finds its culminating exemplification in the Apostles and Evangelists, whom all Christians agree in regarding as the highest adducible instances of inspired men. How then are we derogating from the inspiration by which prophets or sacred chroniclers spoke, if we deny that there is sufficient reason (still less any religious obligation) to suppose that the facts on which they comment, the events which they record, the recollections of the distant past by which they enforce or illustrate their precepts, were certified to them by divine light, or guaranteed to all ages as absolutely and unquestionably correct? We believe, for our own part, that such records and statements are freely open to

criticism; that we are perfectly at liberty as Christians, and indeed should be at liberty as Jews, to subject them to the keenest scrutiny, without invalidating the claims of the writers to inspiration, even when forced to question the accuracy of their statements—or, indeed, when convinced of their inaccuracy. Prove that such and such facts were beyond the scope of the sacred writer's knowledge, whether in science or in history—that even when satisfactory to himself the sources of his information did not deserve the implicit credence of others: and errors of statement or conception on his part, as they will detract nothing from his truthfulness of purpose, so neither will they shake our belief in his inspiration, nor lessen the reverence due to the religious teaching of which those statements were the occasion and the vehicle. Were it not for this persuasion, we should shrink from challenging any assertion, however trivial, which is contained in the Scriptures. But armed with this principle, we see without dismay the necessity for doubting or qualifying many parts of the Biblical narratives, as well as for canvassing the received authorship of several of the Scriptural books.

The subject of the Mosaic writings is first in importance as in order. We admire the candour, ability, and extensive knowledge of his subject with which Mr. J. Stewart Perowne has treated this weighty matter, especially in his concluding article 'Pentateuch,' conceding as he has done so much to the just claims of criticism, while maintaining on the whole an essentially conservative position. Such articles as the one we speak of, and even, to a certain degree, those on the five Mosaic books, would have raised a few years ago a perfect storm of alarm and indignation. We rejoice to see an acknowledged member of the Evangelical school venturing to look such questions in the face, and not only rising above the prepossessions of his party, but eschewing the elaborate evasions and mystic dogmatism of Hengstenberg. He fully and fairly allows the composite nature of the Pentateuch, and the certainty both that it was originally in part a compilation, and that it has undergone various recensions and additions since its first appearance. If we do not altogether agree with his conclusions as to the proportion in which the books are to be ascribed to Moses himself, we value his articles none the less on that account, believing them to be most important indications of what has been established already, and serviceable contributions to a discussion which must continue to be carried on, though it may never admit of a complete solution. Perhaps it may never be possible to decide indubitably when or by

whom the Pentateuch, either in its present or its primary form, was committed to writing. But in the face of this uncertainty it is much if we can satisfy ourselves how little such uncertainty affects the value of the book as a religious manual, when the true limits of its use among Christians are understood. Indeed, if we were obliged to accept the hypothesis that it is only in an oral form that any strictly Mosaic element has been preserved, the marvellous fidelity with which ritual, legislative, and didactic formularies have been transmitted in other cases through an hereditary priesthood (though without the guarantee of perpetuity which attends divine truth), would be almost as great a security to us as writing itself for the correct preservation of those essential parts. If the narrative parts have not been equally safe from traditional enlargements, we must bow to the laws which govern the world, and thankfully remember that our faith as Christians is not bound up with the details of Israelitish history.

The pre-eminent importance of the Pentateuch and of the questions respecting it, makes the date and authorship of the Book of Joshua comparatively unimportant, except, indeed, (and this is a weighty consideration) in so far as it bears upon and illustrates the former problem. But in the Book of Judges we enter on ground distinctly separate and more ascertainable. Here we have an undeniable instance of a narrative, or series of narratives, compiled long after the events; and one, also, for which the most tenacious critic will hardly claim the authority of contemporary chronicles, incorporating though it does some most precious fragments of undoubted antiquity. The article upon this subject in the Dictionary, mainly following Bertheau, is a fair and reasonable one. Yet it hardly does justice to the exceeding interest which attaches to this portion of Scripture. The Book of Judges would have been better treated by one who was investigating seriatim the sources and the character of all the historical Scriptures. Here, if anywhere, we are enabled to penetrate to indubitable elements of antiquity, to obtain some unquestionable data concerning the condition, the ideas, and even the language of the Israelites before their consolidation under Samuel, and thus to obtain a basis for exploring matters of more doubtful certainty, a criterion whereby to estimate the dimmer objects and distances beyond.

With the Books of Samuel opens a new era of the Hebrew annals. We have already expressed our admiration of the ability and acumen with which Mr. Twisleton has handled this

subject; and we cannot but add our regret also, that the only article belonging to the department of 'Introduction' which has fallen to his share. A layman possessed of the requisite learning, and qualified in other respects for the task, has advantages over clergymen which no honesty of intention on the part of the latter can altogether compensate.

The fundamentally historical character which Mr. Twisleton claims for the Books of Samuel belongs still more undeniably to those of Kings. Throughout this period we are resting, without doubt, on the authority of contemporary records, though the date of the compilation as it actually stands, and the amount of license which the compiler allowed himself, are matters which involve points of great difficulty. Lord Arthur Hervey's article on these books is a good specimen both of the merits and the peculiarities of that eminent clergyman, and furnishes a satisfactory supplement to the very insufficient notice of the Chronicles which he contributed to the first volume. He gives a fair and candid estimate of the way in which the compilation grew; though maintaining, we think, much too confidently the Rabbinical tradition that Jeremiah was the compiler; and his revolutionary boldness in matters of chronology and genealogy, and the readiness with which in these matters he supposes the sacred text to have been handed over to the mercy of empirics, contrast rather strangely with his belief in the absolute impeccability of the narrative, and with his exalted idea of the divine purpose which has both produced and preserved the entire volume of the Hebrew Scriptures.

After a period of so solid an historical character as that of the Kings, illustrated too so fully during the most important part of the time by the contemporary utterances of the Prophets, it is strange to come once more upon uncertain ground at the epoch of the Captivity. But the way in which the Books of Daniel and of Esther are to be regarded is so obviously questionable, that the question was raised even in the Jewish Church, and has been revived whenever there has been a revival of criticism. The case of the former book has been stated by Mr. Westcott in the Dictionary before us, with a strong conservative leaning, and not altogether with his usual fairness and judicial exactness; that of the latter by Lord A. Hervey with a still more settled determination to uphold the popular view. We cannot say that we are convinced by the calmer or the more eager arguments of either; and we believe that were the same measure meted to a Scriptural as to a secular book, no doubt would remain in the minds of competent critics that

neither of these narratives is contemporary with the events related. But two considerations prevent a dispassionate judgment on this matter; and the considerations deserve our respect, though we believe the apprehensions which accompany them to be wrong. First, it is felt that if these books be not contemporaneous history, they are not to be accounted history at all. They cannot be regarded like those earlier Scriptural narratives where the authors committed to writing what 'they 'had heard with their ears, and their fathers had declared unto 'them, the noble works which God had done in their days, and 'in the old times before them;' and in which the action of the imagination, either on the writer's part, or such as had been incidental to the transmission of the story, was wholly or almost wholly an unconscious one. In the Books of Daniel and Esther, if they be not exact and authentic history, imagination must have played a mere deliberate part. And this is a conclusion from which good men naturally shrink with alarm. Again, is not the authority of Christ himself pledged to the genuineness and the veracity of these books, to that of Daniel expressly, to that of Esther by implication with the other Scriptures? and ought not this to be abundantly conclusive against all the doubts of critics? Now, with regard to this latter consideration, we cannot admit that in any case the citation by our Lord of a Scriptural book for its moral, its doctrinal, or its prophetic teaching, can justly be understood as a general voucher for its historical accuracy or its reputed authorship. And furthermore in the present case (and this is our answer to the first objection also) it is most important for us to observe that the books in question belong to that part of the Jewish Scriptures known as the Cetubim or Hagiographa—a portion definitely distinguished, not only from the Prophets properly so called, but also from the historical books (including those of Kings) which by the same classification were ranked among the prophetical writings.

We have no wish to revive or to advocate the old Rabbinical theory that a lower degree of inspiration must be assigned to the Hagiographa; nor do we forget that in this division are comprised the eminently prophetic Psalms, and the simple authentic narratives of Ezra and Nehemiah. But we strongly assert nevertheless the peculiar liability of books in this division to challenge and discussion; and the fact that the Book of Daniel was placed in it, while Haggai, Zechariah, and Malachi are placed among the Prophets, is indisputably a most significant distinction. Why are narratives to be set down as history which perhaps were never intended, and never at first taken for

such? Why are we to suppose, as Mr. Plumptre well asks (art. 'Ecclesiastes'), 'that the inspired writers were debarred from 'forms of composition which were open without blame to 'others?' Why are we to regard as abhorrent from Canonical Scripture all exemplification of that tendency which Lord A. Hervey himself (art. 'Kings') points out as a characteristic of the Jewish mind?

It is one of the weak points of the ordinary Protestant system, that, throwing as it does such enormous weight upon the received Canon of Scripture, it yet gives so little heed, and allows so little interest, to the question of the composition of the Canon, and to the phenomena there presented. Mr. Westcott is doing eminent service to the Church in England by the attention he is drawing to the subject. We ourselves cannot but regard the ordinary Protestant view of the Old Testament as an exaggerated one. But all recognition of the Jewish Scriptures as exceptionally sacred implies a peculiar deference to the judgment of those who formed the Jewish Canon. The more therefore the object and result of that judgment are exalted, the more should it be considered and respected in its minor details also.

Now, surely, in this aspect, the distinction established from the first between the three divisions of the Hebrew Scriptures, and confirmed by Apostolic usage, becomes of the very greatest importance to us; and the loss or deliberate disturbance of that distinction in the Bibles of Protestant Christendom is a serious evil. We are in danger of mistaking the very nature of the books we revere; and this, by our own neglect or removal of the ancient landmarks. Nothing is more easily misapprehended or forgotten than the object of a writer in composing a book, or the views taken of it by those who put it into our hands. A parable, an apologue, an allegory, may readily be stiffened into matter of fact by the mistaken apprehension of over-reverence, till we are in danger of exposing to the charge of forgery one whom we have misunderstood through our very eagerness to pay him honour.

Nor is it only the separation of the Hagiographa from the Law and the Prophets, which shows the thoughtful spirit which presided over the settlement of the Canon, whether that were the work of one or of many generations. The alterations and adaptations of the sacred text which were then made, or then at least confirmed as valid, indicate an estimate of that text very different from the superstitious notions which subsequently prevailed. We feel what delicate ground we are touching on here, and we forbear to go farther. But this, at

least, we may say, that every proof of discrimination and discretion, exercised by those earlier Doctors of the Jewish Church, is of peculiar importance as a justification and encouragement of the exercise of sound reason now; it assists the emancipation of theology from hurtful trammels, under sanction of that very respect which is due to sacred antiquity.

There is one book of the Hagiographa to which these considerations give peculiar importance, a book of which the ancient (and as it seems the original) estimate has been well-nigh lost by later generations. We speak of the Book of Psalms. Few of the laity are probably aware, and even of our clerical instructors few care to remember, that this familiar and dearly-prized part of Scripture was originally divided into five portions or books. Still fewer know what significant results are deducible from this division. It is a division wholly lost sight of in the vernacular versions and ecclesiastical arrangements of the Psalter; lost sight of too, apparently (for all popular purposes at least), before the Christian era. And yet we are justified in speaking of it as the original division. Its antiquity is unquestionable and unquestioned, far more than that of the titles prefixed to the Psalms. It is not only recognised by Christian Fathers and Jewish Doctors, not only (like the superscriptions) traceable still in all existing versions, the Hebrew and the LXX, as well as all subsequent translations, but it is indelibly impressed on the most ancient text at once by the established order of the Psalms, and by the doxologies with which the five books are severally concluded—those doxologies, namely, which occur at the end of the 41st, 72nd, 89th, and 106th Psalms, the points which we know from independent sources to have been really the points of division. Now were this all that could be said, we might merely regard these lines of distribution as conventional or convenient breaks, like those in the Anglican Prayer-book, or in the ancient Ferial uses of the Latin Church; and adapted, perhaps (as has been suggested), to the fivefold division of the Pentateuch. But here is the importance of the phenomenon. Of the books thus marked off, the first (reputed to be wholly the work of David) is characterised by the almost exclusive use of the word Jehovah as the name of God; the second (even in the Psalms which are ascribed to David) by an almost equally preponderating use of the name Elohim; the third is composed of two portions, between which the very same distinction exists as between the two preceding books, only in a reverse order, and in a somewhat modified degree; while in the two last books, both professedly of more miscellaneous authorship, and both

of them exclusively Jehovistic in their phraseology, the fourth begins with a reputed Psalm of Moses, and ends with one evidently written during the Captivity, while the fifth still more evidently consists in great measure of Psalms composed after the return from Babylon, and exhibits other marks besides of a late place in Hebrew literature. It is true that when we come to interpret these phenomena, so many complications present themselves, that it is impossible to be satisfied with what at first sight promises to be an easy solution. But the phenomena are in themselves so remarkable, that they cannot have been accidental. Are these divisions due to the arrangers of the Canon, sorting the Psalms on some systematic plan? or do they rather betray the previous existence of separate collections ultimately combined? And, on either hypothesis, are we to seek the key of the arrangement in chronological order, in diversity of authorship, in diversity of purpose, in local differences, or in differences of theological opinion? All these theories, or modifications and combinations of them, have been suggested; the question in debate being still further complicated by the doubt what authority, or whether any authority at all, is to be conceded to the superscriptions of the Psalms. Mr. Thrupp, who has treated the subject in Dr. Smith's Dictionary, maintains with Hengstenberg the entire trustworthiness of the superscriptions, but with this singular, and (as we think) quite untenable proviso, that a psalm may be understood to be the production of the descendant and representative of the author designated: so that as a 'Psalm of Asaph' may be really the composition of the Levites of Asaph's family, so a 'Psalm of 'David' may be taken (when requisite) to mean a Psalm of the heir and representative of David for the time being—Hezekiah, for instance, or Josiah, or even Zerubbabel! Allowing himself this license, Mr. Thrupp takes chronological order as his guide throughout in his survey of the Psalter, regarding the first book as David's own collection—the original book of Psalms—provided by him for the service of the tabernacle; and the other books as compiled under Hezekiah and Josiah, during the Captivity, and after the Return. On almost all of these points we are entirely at issue with Mr. Thrupp, whose brief running commentary also on the whole series of Psalms is far more ingenious than satisfactory. But we rejoice to see such indications of the attention which this portion of Scripture is attracting to itself.

The writings of the Prophets, if they do not open such a field for venturous and reconstructive criticism, yield still ampler materials for solid historical conclusions; as Ewald

above all other writers has shown. Even German analysis has here found little to destroy, though much to set in a new light, and illustrate by suggestive combinations. Breathing the atmosphere of a higher spiritual level than in the earlier books of Scripture, we find ourselves also moving here in the element of unquestioned and unquestionable contemporaneous evidence. A doubt may sometimes be raised whether the usual and received date of some prophetical book be indeed the right one, or the position assigned to its author be indeed what he really occupied; but there is seldom a doubt in any case that the words which we read came straight from the personal experience of the writer, and were addressed to his own generation amidst dangers or under chastisements which actually drew forth the inspired message. Even in the case of Isaiah and Zechariah, the discussions which are raised concerning the integrity of the books do not challenge their prophetical character, but rather seek to recover the true standing point of the writer by pointing out the signs which indicate his epoch and his circumstances. With regard to the Book of Zechariah, the difficulties about which are really great, and have been well stated by Mr. Perowne, the consequences depending on the alternative are of smaller amount. But in that of Isaiah we cannot but think that the theory which assigns the chapters from the fortieth onwards to a prophet of the Captivity is not only borne out by the strongest internal evidence, but adds double beauty and force to those sublime and pathetic strains, giving them an appropriateness which on the popular hypothesis is palpably wanting, and bringing them into harmony with the known laws of prophecy, while it in no way detracts from the Evangelical tone or the Messianic import of the whole. Mr. Huxtable's article on this subject in the Dictionary seems to us singularly undiscerning and inconclusive, while it is far too lengthy and rhetorical in its summary of the contents of the book. The rest of the series on the Prophets, of which Mr. Wright's contributions are the most learned, and Mr. Farrar's article on Ezekiel (though palpably defective) is perhaps the most interesting, are more or less useful and instructive, but call for no special notice. Here again, as in the historical books, we feel the want of a uniform treatment by a single hand, to trace out and compare the pervading elements, and to follow the varying exigencies of the prophetic office—now in alliance, now at issue, with the Levitical priesthood—now urging resistance now submission to the Assyrians and Chaldees—while under their touch the conscience of Israel expands and developes, and clearer views open out before the chosen race of their high vocation in the

future. Such matters are but slightly touched upon in these unconnected notices, and the defect is ill supplied by those who have executed the articles on 'Prophet' and 'Messiah.' One book of the series forms an obvious exception to what we observed just now about the Prophetic writings—the Book of Jonah. It is exceptional on any hypothesis, in its form and character; and also (as sober criticism convinces us) in its authorship and date. The article upon it in the Dictionary is an unsuccessful attempt (and a far weaker one than that which is made in the Cyclopædia) to controvert the conclusions which are suggested at once by the laws of nature, by Scriptural analogy, and by internal evidence. Though brought into conflict apparently with the judgment of the authors of the Canon, we are forced to believe that the proper place for this book was in the Hagiographa, among writings framed by pious men upon the basis of a traditional story.

We will not dwell long upon the biographical articles of the Dictionary. They are constructed for the most part on the principle that such notices ought not to be encumbered with the critical examination of the Biblical narratives, and that the writer's only task was to present a clear and careful *resumé* of all which can be learned from Scripture of the persons whose life they relate, elucidated and set forth by all the light procurable. The distinctness and coherence thus obtained are in some cases very remarkable; and while the leading characters are thus elaborately dealt with, care has been taken also not to omit any name however trivial and obscure, down to the twenty-one Meshullams, and the twenty-five Shemaiahs. Amongst those of greatest merit we would more particularly point out the biographies of Moses and Samuel, contributed by Dean Stanley—vivid sketches, which he has repeated at greater length in the first volume of his Jewish Lectures; as also those by the same author on Saul and David and some of their contemporaries and successors, which make us look forward with increased interest to his forthcoming second volume. In this latter cycle of lives he has been ably seconded by Mr. Grove, whose articles, moreover, on Elijah and Elisha (with the slight but significant critical observations introduced) are worthy of special notice; as also that on Ishmael, son of Nethaniah, by the same writer, which the Editor justly cites as an instance of the successful use of scanty and scattered materials in the construction of a vivid and accurate picture. Among the New Testament characters we are more particularly pleased with Mr. Davies's article on St. Paul, well seconded by the minor contributions (biographical and geographical also) of

Dr. Howson, the Nestor of this department of Biblical knowledge. Nor can we pass over Dean Stanley's remarkable article on Stephen, especially his comments on the martyr's speech, and his felicitous notice of the precedent there furnished by Scripture itself for the free treatment of the subject matter of Scripture narratives.

We now come to those departments in which English learning has an independent standing, and in which this country has been the instructor rather than the pupil of Germany; the departments of Geography, Oriental Learning, Monumental Researches, and (to a certain extent) of Science and Natural History. It is this portion of Dr. Smith's Dictionary that has assuredly the greatest absolute as well as relative value; unless it be that subsidiary department which treats of Texts, Versions, and Translations. We regret that we cannot notice more at length the learned labours of Messrs. Deutsch, Plumptre, Selwyn, Tregelles, and Westcott. Of these the most remarkable are unquestionably those of Mr. Deutsch and Mr. Westcott. The article 'Vulgate,' by the latter, is a masterly and exhaustive account of an elaborate and ungrateful subject, which has hitherto escaped the researches of German scholars, though of great moment in the textual criticism of the Bible. Mr. Deutsch's contributions on 'Samaritan Pen-'tateuch' and 'Targums' are open to even higher praise. They combine a new and thoroughly original treatment of subjects on which hitherto each successive writer has been content to follow Gesenius, or still more ancient guides, with a freshness and vigour quite without parallel in the whole range of similar investigations abroad or at home. His description of the Methurgeman (p. 1639) is quite a resurrection, and his examination of the personal existence of Onkelos an admirable piece of historical criticism.

The geographical articles are worthy of all praise. They are based for the most part on the conclusions of Dr. Stanley, and other able and discerning English travellers who have continued and improved on the researches of Dr. Robinson. And they are written almost wholly by men who take rank among those travellers, Dr. Stanley himself having contributed two or three, and the others having been added principally by Messrs. Porter, Ffoulkes, Bonar, and Grove. Of these the latter gentleman occupies the chief place, not only as the largest contributor, but as the author of many of the principal articles, those on Palestine, Jordan, the Dead Sea, the tribal territories, and (for the natural topography) Jerusalem. We can hardly speak too highly of these masterly productions, which happily combine a careful

and impartial consideration of what others have advanced with the judgment of an independent and competent eye-witness. Mr. Grove's general superintendence also, and careful insertion of all necessary supplemental details, give this department of the Dictionary an unrivalled completeness and unity. It does not merely reach the highest level of existing knowledge in these matters, consolidating and presenting in the clearest form the results of the latest investigations, but also (transcending here what can be expected of a Cyclopædia) does something considerable to advance it.

One only exception we are compelled to dwell on; namely, Mr. Fergusson's peculiar theories on the topography of Jerusalem. We uttered our protest against these some years ago, when they were first propounded, and more especially against the article in question. Since his return from the East, Mr. Fergusson has lost no time in informing the public that his views are unchanged. We wish him a fair field for the prosecution of what we nevertheless regard as a hopeless contest against authority and fact. We shall look for his new arguments with interest; but we hope to read them in a more appropriate place than a Dictionary of the Bible.

The praise of being on a level with recently-acquired knowledge may be securely claimed too for that cognate department in which the records of Scripture are illustrated by the monuments of profane antiquity. Mr. Stuart Poole is no unworthy representative of English Egyptologists. But he proceeds on a vicious plan, when (as in his article on 'Egypt' more especially) instead of distinctly using the monumental records to illustrate Scripture, he supports a series of statements by promiscuous appeals now to one source of information, now to the other. And his reliance on the sacred writers is obviously misplaced when he cites Isaiah as an authority on the question of the ancient Shepherd dynasties, or St. Paul (art. 'Chronology') as determining the true duration of the Egyptian Captivity. His chronological system is an unsatisfactory piece of patchwork, grounded in great measure on the disputable authority of the LXX, and supported by a conjectural coincidence of the Hebrew and Egyptian calendars, which seems to us far from conclusive. His criticism, however, of synchronistic theories opposed to his own is able and generally conclusive; and except when carried away by a too eager desire to establish the harmonies he looks for, his articles are excellent and sound. Mr. Layard's article on Nineveh is precisely what is most appropriate to a Cyclopædia like this, and could come from no hand so well as from his own.

Mr. Rawlinson, who takes a wider range of kindred subjects in his contributions to the Dictionary, aims at something more than merely to register what is already ascertained, and shows more confidence perhaps in his interpretation of Assyrian and Persian inscriptions than others will always share. But no one could so fitly expound the conclusions which, in the hands of his brother and of Dr. Hinckes, are approximating gradually to the rank of ascertained facts, or have executed so well the articles which he has undertaken. The interesting subject of the 'Philistines' is ably handled by Mr. Bevan. And we must add to the articles of special merit Mr. Twisleton's masterly abstract of German, French, and English investigations on the subject of Phœnicia and the Phœnician cities.

The light thrown upon Jewish history by the new revelations proceeding from all these quarters is doubtless most remarkable, nor is it by any means fully developed yet. One thing we must observe in passing, upon which we often find ourselves at issue, both with Mr. Rawlinson and Mr. Poole. Unreasonable, and indeed impossible as it is to regard the Jewish Scriptures as a homogeneous whole, we cannot grant that the confirmation of this or that detail by monumental testimony supplies even a presumptive proof of infallible accuracy in the rest of the Biblical narratives. On the contrary, it seems to us that the new evidences brought to light tend remarkably to confirm the broad distinctions laid down by independent criticism. That the historical period comprised in the books of Kings, Ezra, and Nehemiah, and illustrated by the Prophets, should receive new confirmation as well as new vividness from the unconscious witness of contemporary Gentile inscriptions, is a fact which we not only gladly welcome, but should be fully prepared to expect. But how is it with the times of the Egyptian deliverance, which criticism regards as prehistoric; or with those episodes of the Captivity which seem to be didactic works of a later age? Do not our newly-found witnesses help to substantiate the distinction which a searching analysis has suggested? We readily admit that fresh proofs have come to light of the reality of the historical basis in some of these matters (as in the case of Belshazzar), and of the life-like colouring of sacred tradition (more particularly in regard to the sojourn in Egypt). But do not the difficulties of harmonising names, facts, dates, characters, stand out all the more distinctly in contrast with those periods when all is plain? Where is the true or even suitable place amongst the scenes now newly disclosed to us in Egypt, Babylonia, Persia, for many of the

stories which we seek to verify? Who even (to go no further) was the Pharaoh of the Exodus? who the Darius of Daniel? who the Ahasuerus of Esther? These questions, we know, are confidently answered;—answered with eager and elaborate ingenuity in support of this hypothesis and that. But they are answered differently even by the associated contributors to the work before us. The ominous silence of Dr. Thompson (art. 'Memphis,' 'Thebes'), seems to betoken the same disagreement with Mr. Poole upon the subject of Pharaoh which is avowedly entertained by Lord A. Hervey, and which another of his colleagues, Mr. Leathes, has more recently expressed in the Biblical Cyclopædia. Mr. Rawlinson's views of Darius, as also of Belshazzar and the capture of Babylon (art. 'Medes,' 'Persians,' 'Babylon'), are impugned by Mr. Westcott in the columns of the Dictionary itself (art. 'Darius'); while the identification of Ahasuerus with Xerxes, supported perhaps by some singular coincidences, but contradicted by the general tenour of the history, is discredited by Mr. Bullock (art. 'Haman') if he is ready to abide by the consequences of his own suggestion. We do not presume to assert that further light may not some day alter the aspect of these questions, but we do say that thus far the conclusions arrived at by critics have to all appearance been confirmed; and we also repeat that no devout Christian, and we would add no devout Jew, need be troubled for a moment by the character which is thus assigned to some books of Scripture.

The department of Botany and Zoology has suffered in some measure from having changed hands three times during the issue of the work; but in those of Mr. Houghton it has received ample justice; and a copious Appendix brings up the earlier subjects to the level of the last. This department seems to us almost worthy to rank with the geographical articles, and is enriched with woodcuts which, though unequal in merit, are mostly of singular beauty and accuracy. It is a creditable feature of these articles that they tell their story with an unfaltering love of truth, undeterred by the fear of bringing the clear and definite conceptions of modern science into collision with those vague and often incorrect notions of natural phenomena which inspired men shared with all others of their own time and nation. Thus Mr. Houghton allows that in Isaiah's predictions (xiii. 21, xxxiv. 15) of the desolation of Babylon the prophet really intended that half-human satyrs would haunt the place: confesses that the 'fiery flying serpent' of Isaiah (xxx. 6) 'can have no existence in nature;' and that the snail does not consume away and die by reason of its

constantly emitting slime as it crawls along (Ps. lviii. 8); while he grants, generally, that the language of Scripture, in such cases (for instance) as the Ant, the Hare, and the Ostrich, 'is adapted 'to the opinions commonly held by the people of the East.' Yet even Mr. Houghton carries sometimes to an extreme length his unwillingness to let the sacred text say anything inaccurate. He denies that the curse upon the serpent (Gen. iii. 14) implies that it consequently 'underwent any change of 'form,' and he would have us conclude that when it is said to 'eat dust' nothing more is meant than that its habits compel it (a fact justly denied by Professor Owen) to swallow with its food large portions of earthy substance.

Science, even more than the less certain witness of profane monuments or of language, is the test which compels us to modify our long-cherished notions of Inspiration. It is with a profound sense of the hopelessness of the undertaking, though not without a certain feeling of respect, that we see the attempt still persisted in so often to make out an entire harmony between the language of Scripture and the severe requirements of physical philosophy. Dr. Alexander (as we have already noticed) has devoted to the attempt a whole department of his Cyclopædia. From this error Dr. Smith and his contributors have kept clear for the most part. Mr. Bevan in his excellent articles ('Earth,' 'Firmament'), as also Mr. Farrar ('Heaven'), boldly and unreservedly proceed on what we believe to be the only tenable principles, accepting the language of Scripture on these matters in its simplest sense, and deducing therefrom what the human authors thought about them in common with all among whom their duties lay. On the subject of the Creation (art. 'Genesis'), Mr. Perowne has somewhat grudgingly, on that of the Deluge (art. 'Noah'), more fairly and fully, made concessions to the demands of science; though clinging so closely to the popular belief of an inspired communication of *facts*, that he brings himself, we think, into some very uncomfortable dilemmas. Mr. Barry of Cheltenham, the chief (or at least the ablest) representative in the Dictionary of the strictest theory of Inspiration, goes further still; and for the sake of this same theory of infallible accuracy in Scriptural narrative, is willing to shut his eyes (it would seem) to the harmony of natural laws, even in matters where no question of *miracle* is involved. In language which reminds us of the very words of Maupertuis, at which we have been laughing lately with Dr. Akakia, in Carlyle's Life of Frederick, he gravely maintains (art. 'Patriarchs'), that 'with our scanty 'knowledge of what is really meant by *dying of old age*—

'with the certainty that very great effects are produced 'on the duration of life, both of men and animals, by even 'slight changes of habits and circumstances,—it is impos- 'sible to say what might be *à priori* probable in this respect 'in the antediluvian period, or to determine under what con- 'ditions the process of continual decay and reconstruction 'which sustains animal life might be indefinitely prolonged.' Granting the abstract possibility of this, we should like to hear what Baron Liebig or Professor Owen would say to the assumption that such a state of things has ever really existed: what physical changes in the whole organised world would its former existence imply? what traces must it have left behind it, traces which ought to be visible on the very surface of our earth? what explanations moreover, on such an hypothesis, are we to give to records which geology discloses of a period in the history of man far more remote than is contemplated in the chronology of Genesis? Let it be remembered that according to the Pentateuch, this alleged longevity continued (disappearing gradually and by a natural process) till the fifteenth or even nineteenth dynasty of Egyptian kings; and when in opposition to these statements we consider the evidence yielded by actual observation and induction (not to speak of the testimony of the psalm which is ascribed to Moses himself), we shall see what dangers we incur—dangers increased on one side, when we avoid them on the other—if we shrink from the simple and reasonable principle of leaving to science the things which belong to science, while we render unto God the things which are God's.

Why should we be afraid to say or to think that the traditions of their patriarchal ancestry among the race of Abraham were liable to the same disturbing influences as other traditions have undergone, to the action of forgetfulness, of misapprehension, of wonder, of imagination, especially when we believe them to have passed across the dark period of the Egyptian Captivity? Why should we insist on ascribing to the sacred genealogists a divinely imparted information which they do not claim for themselves? and which, if really imparted, would have involved consequences of which there is in fact no indication?

Such questions as we speak of belong to Science and to Reason to pronounce on; not to religious Faith. We do not indeed wish to magnify the amount of knowledge which scientific inquirers have arrived at or can aspire to. In many points it is but small at best. The highest efforts of reason and induction may fail, both now and hereafter, to penetrate the secrets, even in physical matters, of the primæval world. But

this at least we may be able to ascertain, that the facts of the remote past must have been quite as little cognisable to the earliest Hebrew writers as to ourselves. Our keenest instruments of observation may fail to convey to us any precise knowledge of that cloudy mountain outline which bounds our view as we look over the expanse of the mysterious past; but this at least it may be possible to demonstrate, that the details of those distant mountains were scarcely more distinguishable, in some respects even less so, from the point of view occupied by the earliest depositaries of Revelation.

It is wholly different with the facts which are of real and supreme importance to us, the facts of our Christian faith. The maintainers of the popular view of Inspiration are continually sounding the alarm, that the invalidation of the historical accuracy of the Old Testament is only a prelude to attacks upon the New; indeed that concessions in the former quarter necessarily involve concessions fatal to Christian faith. We are quite unable ourselves to see the justice of these fears. Indeed it has always appeared to us, that the Christian religion is not more definitely distinguished from its Jewish predecessor by the universal character and intrinsic superiority of its doctrines, than by the unassailable evidence and established certainty of the leading facts on which it rests. Let it only be conceived what would be the comparative precariousness of our Christian belief (in spite of the potency of internal evidence), if our knowledge of what Christ was and did and suffered came to us from sources later by some generations than his own, or could not be traced indubitably to the authority of eye-witnesses; and then we shall be more disposed to do justice to the foundation which it has pleased God to give us here for our faith to rest on.

That even here criticism follows us, compelling some modifications of the ordinary view of the Gospels, we do not deny —modifications to the gravity of which we cannot be indifferent, requiring as they do some readjustment of our convictions. But it is consoling to remember that this readjustment will bring us in some respects actually nearer to the faith of the primitive Church. We shall learn to lean less on the letter, and more on the Divine realities of which that letter is but one of the witnesses. On this subject we have had occasion to speak lately more at length in noticing M. Renan's 'Vie de Jésus.' Even if reduced to accept *his* theory of the composition of the Gospels (which, however, we have shown to be utterly untenable), we should be prepared with almost equal confidence to combat his conclusions respecting Christ himself. And the Gospels

even so would still possess an authority as documentary narratives unparalleled by any book of the Old Testament, excepting those perhaps of Ezra and Nehemiah.

We can hardly class among the very best parts of the Dictionary Archbishop Thomson's articles on the Gospels, still less that on Jesus Christ. But they are nevertheless characterised by a spirit of fairness and openness to reason which contrasts favourably with the tone prevalent in many quarters on these sacred subjects. The Archbishop does not attempt to represent the three synoptic Gospels as wholly independent sources of information, the verbal coincidences in which are but further corroborations of their inspired accuracy—a theory which can only be maintained by setting aside all received tests of evidence. He sees that it is safer to regard them as three independent versions of a common Gospel agreed upon and orally taught by the Apostolic body. Even this position can hardly be maintained, we think, without qualification. We firmly believe with the Archbishop that we have in the synoptical Evangelists the oral Gospel of the Apostles. What we cannot so assure ourselves of is the personal authorship of the existing documents, their independence of each other, or the absolute identity of the present with the original texts. The Archbishop's positiveness on these points only provokes contradiction, and reasonably so. He makes, for instance, the astonishing assertion that there is more evidence for the genuineness of St. Matthew's Gospel than for that of any other work of antiquity; and adduces the supposed quotations from the Evangelists in Irenæus, Justin Martyr, and others, which, whether they establish, certainly do anything but prove an unaltered text.

The difficulty of the problem was not only in the differences existing between the Gospels, nor only in the closeness of their similitudes, but rather in the peculiar intermixture of the two, and the peculiar nature of both. The Archbishop regards this matter far too lightly. Shoals and shallows lie in many parts where he sees plain sailing only. We forbear to dwell upon these difficulties more at length. It is easer to suggest an explanation of them than to vindicate what we suggest: easiest of all to raise fresh objections to any explanation which may be offered. But whatever we may be forced to leave in doubt concerning the actual authorship of any of the Gospels, which, after all, is comparatively unimportant, the assurance remains that we have in them, as they now stand, the record of facts and events believed and clung to as their very life by the first generation of Christians; records sifted

and fixed in their present form by disciples of Apostles; records, moreover, which in their main outline, their supernatural particulars, and their distinctive doctrines are confirmed by the express testimony of writings unquestionably Apostolic, while in their remaining details they exhibit that inimitable purity and elevation and wisdom which none but Apostolic models can approach to, and not even those can fully reach.

The article on St. John's Gospel is a very slight and unsatisfactory production—an article which hardly does so much as recognise those striking differences the existence of which constitutes so interesting and momentous a problem. Dean Alford's article on the Acts of the Apostles, too, is a meagre and insufficient summary of the Prolegomena contained in his Greek Testament. But allowance must be made for those parts of the first volume of the Dictionary which were written before the scale of the work was sufficiently fixed or sufficiently understood by the contributors.

The Pauline Epistles have fallen, in great part, to the care of Bishop Ellicott, who though pre-eminent among English scholars for his knowledge of Hellenistic Greek, and of the niceties of language in the New Testament writers, and thoroughly furnished also with special accessory knowledge, is not equally remarkable for the power of seizing the idea and doctrinal position of the several Epistles; a power very important even in a commentator, and which seems more essential still for the production of such suggestive notices as a Biblical Dictionary should contain. In this respect Professor Lightfoot has done more justice to the subjects assigned him, the Epistles to the Romans and the Thessalonians.

Throughout the observations we have made we have tried to keep in view the fact that the work before us is not a religious book but a Dictionary of the Bible—that we have to criticise, not matters of Revelation, not matters (properly speaking) of Theology, but matters respecting the vehicle through which Revelation has been conveyed to us, records and products by which Theology has been built up. The distinction is very justly dwelt upon by Dr. Smith himself, and, on the whole, it has been adhered to in the execution of the work; though some departures from the engagements of the Preface have been pointed out and severely commented on with considerable justice by critics of other persuasions. In some respects we cannot altogether regret the inconsistency. That devout expressions of adherence to received articles of faith and appeals to the religious consciousness of readers should sometimes break forth even in a Dictionary, is what no man of right

feeling would wish otherwise or fail to think creditable to the earnest purpose of the contributors. And that certain opinions should be maintained, savouring sometimes too much of controversial divinity, though in some cases to be regretted, was perhaps beyond the power of the Editor to prevent, and is a pardonable blemish almost inseparable from the zeal which leads men to devote themselves to the advocacy of truth.

On the whole, we repeat emphatically the favourable verdict which we have already pronounced. We turn again and again to this Dictionary with interest, with confidence, with respectful admiration of the labour, the learning, the judgment, the conscientiousness, and we again add the courage it displays. Even where we differ from the writers we do so with respect. We see throughout a conscientious love of truth, and an intelligent and successful endeavour to collect and present to us correctly the facts on which they report. It is generally the bearing and mutual relation of these facts upon which we are at issue with them rather than on the facts themselves. They seem to us not seldom like surveyors who, after carefully and correctly taking the requisite observations with their sextants, should neglect or refuse to reduce the observed angles to the plane of the horizon. If we are right in this judgment, time will work the necessary change. We have no wish to precipitate it mischievously; though we wish to be prepared for what we ourselves foresee, and foresee for our own part without dread. Meanwhile we congratulate Dr. Smith on the success of his work. That it should satisfy everybody was of course impossible. That it should satisfy, and at the same time instruct and stimulate the great mass of educated thoughtful Biblical students in this country, was a success within the bounds of possibility. This success we can claim for Dr. Smith's Dictionary; and we must not complain that in order to achieve it the necessary conditions have been submitted to. To meet the requirements of the English mind, the nature of the English mind must be consulted. A graft will not grow unless homogeneous to the stock to which it is attached. We are far from thinking that this work deserves to be translated into all languages, and erected into the handbook of Christendom, or that it will, in its present form, meet the wants of our own countrymen for all time. But we hail it as a noble achievement of a band of Christian scholars, a work of eminent usefulness in the present generation, an effectual step in advance and a pregnant pledge of what may be realised hereafter.

ART. III.—*Life of General Sir William Napier, K.C.B.*, Author of 'History of the Peninsular War,' &c. Edited by the Right Hon. H. A. BRUCE, M.P. London: 1864.

THE historian of the Peninsular War, not the least distinguished member of a renowned and highly-gifted family, well deserved the honours of a biography, and we may add that he has been fortunate in the hands to which the delineation of his life and character is committed. The natural partiality of a son-in-law has not blinded the author of these volumes to those flaws and blemishes in a noble character, the omission of which would make the portrait of Sir William Napier a flattering deception; at the same time he has touched with a gentle and considerate hand on those passages in his career which his warmest admirers must contemplate with regret, and he has wisely refrained from espousing the prejudices and enmities into which a too impulsive nature was apt to hurry the subject of this memoir. Another commendable feature of the work is that the hero is made to a great extent his own biographer through his numerous letters, which not only afford the most authentic information as to the various passages of his life and the motives and feelings by which he was actuated, but illustrate a large diversity of topics of public interest and of controversies upon passing events in which his active intellect impelled him to take part. Interspersed with these are striking anecdotes and notices of eminent persons, with some of whom General Napier was connected by ties of cordial friendship, with others a too irritable spirit brought him at various times into unfriendly collision. Upon the whole, the biography is one which will possess, if we mistake not, a singular charm for a certain class of readers, especially for the young, to whom it may well furnish a keen incentive 'in antiquam virtutem animosque viriles,' and for the more ambitious and aspiring members of the military profession. It is well that the thoughts of young men should be raised by the study of high models of character, and assuredly that of Sir W. Napier, with all its imperfections, towered greatly above the level of ordinary beings.

At the same time it is an undoubted fact, and one which may possibly procure for these volumes a less favourable reception than they deserve, that there exists in many minds a strong distaste for that special phase of character which stamped the whole 'genus irritabile' of the Napiers. Granting to them the possession of high gifts and extraordinary energy, these qualities

were quite overshadowed, in the opinions of many, by certain repulsive features in the family portraiture. True, it is said, they were brave and chivalrous in spirit, lofty and disinterested in their views, devoted in their sense of duty, but were they not, at the same time, bitter and acrimonious in their tempers, arrogant in their self-assertion, fierce in their resentments, intolerant to all who presumed to question their merits or to differ from their judgment? Were they not almost disqualified for the exercise of power by their inordinate strength of will, their tendency to encroach upon the authority of others, to defy and denounce all who were not disposed to yield to their supremacy? Did not Sir Charles, after all his splendid victories in Scinde, make India, through his overbearing conduct, too hot to hold him? Did not Sir William outrage all propriety by his intemperate denunciation of men as brave and high-minded as himself, because he unjustly deemed them to be his brother's enemies?

It is painful to acknowledge that there is a foundation of truth in this impeachment, and that the lustre of high genius and of eminent public services may be tarnished, if not effaced in the estimation of some minds, by the frailties of an irascible temper or an ungoverned tongue. It was wisely said by a great man*, though himself not quite immaculate in this respect, that 'we must live at peace with our species, if not 'for their sakes, yet very much for our own.' The man, however gifted and eminent he may be, who recklessly wounds the feelings and tramples on the self-love of others, commits suicide of his own fame. Had the temper of the conqueror of Scinde been equal to his genius for war or his capacity for government, to what heights of glory or of power might he not have attained? Could the chivalrous spirit and rarely-endowed intellect of the Peninsular historian have been combined with a calm, discreet, and conciliatory temperament, no man that ever lived would have gained a larger meed of affectionate admiration. But we have to deal with human beings, not with angels. We must take men as we find them in this world, a strange compound of good and evil. It is apparently not the order of Providence that all gifts, all attractions, all proprieties—the greater and the lesser virtues alike—should ever meet in harmonious proportion in one perfectly-adjusted character. The biographies of all men, whose lives are worth writing, teem with instances of the infirmities of genius, the inconsistencies of goodness. The Napiers were no

* Edmund Burke.

exception—rather a striking illustration—of this rule. In proportion to the high stature of their intellectual and moral qualities was, alas! that undergrowth of besetting infirmities, those moral *maculæ*, which sully, though they cannot destroy, the splendour of great endowments and of noble deeds. But while we concede thus much, our admission must not be stretched beyond its limits. If we plead guilty in their name to much that was faulty in temper, in judgment, in propriety of act and language, from another and less excusable class of sins we claim on their behalf an absolute exemption. Nothing that was underhand, mean or sordid, no selfish aims, no bye-views of personal advantage, ever caused them to deflect one hair's-breadth from the strait path of probity and honour. Charles Napier, rejecting all the costly gifts which barbaric princes would have laid at his feet, could say with truth, 'Certainly I could have got 30,000*l.* since my coming to 'Scinde, but my hands do not want washing yet. Our dear 'father's sword which I wore in both battles (Meanee and 'Hyderabad) is unstained.' And with regard to him whose career is now before us, it may be left to any dispassionate reader of these volumes to judge, whether the instances which they exhibit of irritable temper, of violent judgment, or of reckless language, are not counterbalanced, aye, and doubly atoned for, by the countless proofs of an heroic soul—of a courage tested alike in facing danger and in enduring anguish—of a more than womanly tenderness of affection—of a public spirit sometimes erring, yet ever pure—of a hatred of oppression which often misled, but never ceased to animate him—of an unflinching honesty and love of truth—of a spotless purity of personal conduct, and of an humble faith which sustained him to the last? If qualities such as these could not avail to procure for William Napier the favourable verdict of Englishmen, the country which he adorned would be unworthy of her noblest sons.

The family of five brothers, of whom the subject of this biography was the third, and of whom all were eminent for character or talent, came of a parentage which might well give promise of a distinguished offspring. The father, the Hon. George Napier, the sixth son of the fifth Lord Napier, was a man of no common stamp. Of remarkable personal beauty, activity, and strength, in moral qualities he appears to have been still more raised above the standard of his contemporaries. In [illegible] of far less scrupulous political morality than our [illegible] maintained an uncompromising integrity in public life. [illegible] of superintendent of Woolwich Dockyard he intro-

duced, by means of his chemical knowledge, a valuable improvement in the manufacture of gunpowder. Subsequently, the appointment of Comptroller of Army Accounts was pressed upon him by Lord Cornwallis, then Lord-Lieutenant of Ireland. 'I want,' said the Viceroy, 'an honest man, and this is the only 'thing I have been able to wrest from the harpies around me.'

Colonel Napier refused more than once the representation of his county (Kildare) in the Irish Parliament. The factions of that time were too violent and corrupt for a man of fastidious integrity to take part either with the oppressive depositaries of power or with their turbulent opponents. When the insurrection of 1798 broke out, and many families took refuge in Dublin, this gallant gentleman declined to do so. He fortified his house at Celbridge, near Castletown, armed his five sons, the subject of this memoir being then but twelve years old, and offered an asylum to all who were willing to resist the insurgents. The little garrison was afterwards removed to Castletown, and he, being invested with the command, constructed field-works, scoured the country with some of his sons by his side, and, while he repressed outrage, often interposed to protect the poor inhabitants from oppression by the ill-disciplined soldiers under his charge. Such was the father of the Napiers, a man to whose character and talents his more famous sons often referred in after days with unbounded admiration and reverence. His second wife, the mother of his sons, was the beautiful Sarah Lennox, daughter of the second Duke of Richmond, by Sarah, the daughter of Marlborough's famous lieutenant, Lord Cadogan. Her connexions were distinguished by more honours than those of birth. One of her sisters, married to the first Lord Holland, became the mother of Charles James Fox; another, who married the Duke of Leinster, was the mother of the ill-fated Lord Edward Fitzgerald. Of the features of Lady Sarah we have a charming representation from the pencil of Sir Joshua, and the tradition of her beauty is heightened by the circumstance that she captivated the youthful heart of George III., and had not the exigencies of State opposed his wish to make her his wife, she might have become the mother of kings. Her fate was a very different one; but, as it is natural to expect, the circumstances which threw a cloud over her first marriage are not recorded by her admiring descendants. As the wife of Colonel Napier her position was not brilliant, and after his somewhat premature death poverty and eventual blindness saddened the close of her life, which was protracted to a very advanced age. But though poor in wealth, she was rich in treasures of another

mother of sons nobler than the Gracchi. It was to this lady that Wellington wrote again and again with his own hand from the fields of his victories, to soften by words of courteous sympathy the announcement, that her sons, 'brave fellows 'and an honour to the army,' had been wounded in the actions in which they had played, as always, a conspicuous part. It was compassion for her forlorn and stricken state that moved a generous enemy of England to an act of chivalrous humanity which ought not to be forgotten in balancing the account of honourable rivalry between the two nations. Charles Napier, desperately wounded at Corunna, was missing after the fight—his friends supposed him dead, and his family mourned for him; but hope lingered, and after three months the Government sent a frigate to ascertain his fate. Baron Clouet received the flag and hastened to inform Ney. 'Let him see his friends and tell them he is well and well 'treated,' was the answer. Clouet looked earnestly, but moved not, and Ney, smiling, asked 'what he wanted?' 'He has 'an old mother, a widow, and blind.'—'Has he? then let him 'go himself and tell her he is alive.' The generous kindness of the action is enhanced by the fact that there was at that time a bitter feeling between the two Governments; the exchange of prisoners was not admitted, and Ney risked by this step the displeasure of his chief. Napoleon, however, approved the act.

The feeling with which, throughout her long life, this mother of heroes was regarded by her sons was that of an intense affection, which neither time nor distance nor the formation of new ties could distract or chill. The affections of the Napiers, like the other elements of their natures, were intensely fervid. Sixteen years after her death, on the eve of completing that daring exploit, the destruction of the desert fortress of Emaum Ghur, Charles Napier writes thus in his journal:—'I dreamed 'of my mother—her beauteous form smiled upon me—am I 'going to meet her very soon?' So deeply was this beloved image stamped after the lapse of many years upon the heart of the grim conqueror of Scinde!

The early education of the Napiers owed little to scholastic aid. William was sent to pick up the elements of knowledge at a large grammar-school at Celbridge, under 'a queer old 'pedagogue,' as his sister describes the master, totally unfit to conduct the education of such a boy, and from whom, as she declares, 'he learned nothing.' But his natural aptitude and intelligence, seconded by the aid of a kind and lively female relative, went far to compensate the want of schooling, and

under the 'voluntary system' thus adopted, his inborn love of knowledge was speedily developed. Though he preferred romances and tales of chivalry, among which 'Don Bellarmin 'of Greece' was his especial favourite, he read everything he could lay his hands on—history, poetry, travels—all were eagerly devoured. Another book—the cherished study of many a young and ardent mind—'Plutarch's Lives'—was constantly in his hands, and imbued him with that passionate admiration for the great men of antiquity which distinguished him through life, and had a marked influence in forming his character. His acquisition of knowledge was aided by great powers of application and by a memory of singular tenacity. We have it on the authority of his most intimate friend General Shaw Kennedy, that at twenty years of age he knew by heart the whole of Pope's Iliad and Odyssey, besides many other poems, and could say off, after once reading, long passages from a newspaper. Yet he must have had great deficiencies in early education to repair through his own after-exertions. Some of his early letters, written between fifteen and eighteen years of age, are preserved, and exhibit such eccentricities in spelling and composition as would make the hair of a Civil Service Commissioner stand on end. Thus he writes when a lieutenant of artillery:—'I am extreemely miserable at having 'made my father unneassey,' and, two years later, when a cornet of horse:—'Charles is a lazy theif, I wrote to him a 'week ago to send or come himself with my ten guineas, and 'has neither sent it nor answered me, the unatural villain.' But the resolute energy and perseverance of the man overcame these difficulties, as they did many greater. A year or two afterwards his letters are not only correct in orthography and grammar, but neatly and well composed. Already he was making strides towards that power of expression which was to stamp him as one of the most vigorous masters of English style.

Yet at the earlier age of fourteen he had been taken from his studies, if so they can be termed, and launched into active life with a commission in the Royal Irish Artillery; from whence he was speedily transferred to the 62nd regiment, and again, by the favour of his uncle the Duke of Richmond, to a cornetcy in the Blues. While in this regiment he came under the notice of Sir John Moore, then engaged in forming his experimental brigade at Shorncliffe, who, pleased with the young soldier's evident zeal for his profession, gave him a commission as ninth Captain in the 43rd regiment. Napier was then only nineteen years old; the regiment was in a

bad state of discipline, and the company which he took was reputed to be its worst: yet in a few months, by his energy and zeal, and the high standard of military duty which he upheld and practised, his company became second to none for orderly conduct and discipline. The character of his general impressed the young officer with a warm and even passionate admiration, which exercised, as will be seen, no small influence on his subsequent career. Moore's noble bearing, his chivalrous spirit, above all, the lofty disinterestedness and purity of his public conduct, captivated his admiration. 'Where shall we find such a *king?*' he exclaims in one of his letters to his mother. To emulate the soldierly qualities of his model became the object of his youthful ambition. Still more important to himself and to the public were the after consequences of this connexion. To vindicate that sacred memory against unjust aspersions was, as we know from Napier's own statement, the motive with which he commenced his great historical work, the original design of which was limited to an account of the operations which terminated at Corunna. It was the flattering reception of the first volume which induced the author to expand his scheme into a complete history of the war.

Let us here pause a moment to view the brilliant young officer of the 43rd as he appeared in the prime of his life and the outset of his career, before pain and sickness had begun to undermine his frame and sadden his existence.

'In appearance William Napier was one of the handsomest men of his time. Six feet high, formed in the most powerful mould it is possible to conceive as compatible with extraordinary grace and activity. He was able to jump six feet in height. The head of an Antinous covered with short clustering black curls—the square brow, both wide and high—the aquiline nose—the firm mouth and the square massive jaw, indicating indomitable firmness and resolution—the eye of that remarkable blueish grey so terrible in anger, so melting in tenderness, so sparkling in fun. In his youth his head and face might have served for a portrait of the War-god. In his latest years, with milk-white hair and beard, his appearance was that of a Jupiter.' (Vol. i. p. 27.)

Such was his visible image. Now for his demeanour.

'Quite wild with animal spirits and strong health, brimming over with fun; joking with his comrades; racing, jumping, swimming with his men; studying Napoleon's campaigns with his friend Lloyd; poring over the lives of real and fictitious heroes, and the writings of ancient and modern philosophers, and astonishing all by his wonderful memory; raging like a lion at any story of oppression; melting in pity over any tale of misfortune; with a fondness for

animals amounting almost to a passion, and delighting to observe individualities of character even in a bird or a kitten; this strong, tender, beautiful, and gifted man, surrounded by so many temptations, passionately admiring beauty in women, and with every attribute of success, was yet never known to have been otherwise than pure in thought and deed by comrades who lived with him in all the intimacy of a barrack life; and this, too, at a time when society was far more indulgent to certain transgressions than it now is.' (Vol. i. p. 28.)

William Napier's first service in the field was in the Copenhagen expedition in 1807. He was present at the siege of that capital, and afterwards marched under Sir Arthur Wellesley to attack the Danish lines; was engaged in the battle of Kioge, and took part in the pursuit of the defeated enemy. He records with indignant disgust the brutal marauding conduct of a German general, under whose command his detachment was temporarily placed, while his own company 'took 'not so much as a cherry from a bough, and not a man plun-'dered or misbehaved.' His next experience in the field was more severe. Accompanying his regiment to Spain in 1808, he bore his full share in the hardships and sufferings of Sir John Moore's retreat, and paid the penalty by a fever which weakened his constitution and nearly proved fatal to his life. Marching for days together with bare feet, bleeding at every step, and with no clothes but a jacket and a pair of linen trowsers, he declared that he must have perished but for a spare horse lent to him by a brother officer.

In 1809 he became aide-de-camp to his uncle, the Duke of Richmond, then Viceroy of Ireland, but gave up that easy post, as he always gave up ease or emolument for honour, to go with his regiment to Portugal. On the march to Toulouse, he was seized with pleurisy, and was bled four times in two days; but hearing that the position of our forces was critical, he got out of bed, walked forty-eight miles to Oropesa, and there getting post-horses, rode to Talavera to join the army, an exertion which nearly cost him his life. And now came a succession of stern combats in which the blood of the Napiers was freely spilt, and their indomitable spirit manifested. At the fight on the Coa, where Crawfurd with five thousand men and six guns, stood to receive the attack of thirty thousand French, having in his rear a steep ravine and river, with but one narrow bridge for retreat, Captain Napier received on the field the thanks of his commanding officer, Lieutenant-Colonel Macleod, for rallying his company under a heavy fire, and thereby giving time for the passage of the broken troops across the bridge.

William Napier was shot through the left thigh, but the bone was not broken, and he continued with his regiment notwithstanding his wound until the battle of Busaco, in which four of the Napiers were engaged. His brothers Charles and George were both wounded, the former most severely in the face. His cousin Charles, afterwards the well-known Admiral, was shot in the knee. The gallant appearance of William Napier as he rode in front of the enemy on that bloody day was recalled in after years by his veteran comrade General Brotherton, who described him as 'going down among the enemy '*en sabreur* with his glass to his eye as coolly as if he had been 'dancing a quadrille.'

But a day of yet keener trial to this gallant brotherhood was still to come. At Caza Noval, during the retreat of Massena, the 52nd regiment had been rashly pushed forward during a fog into the midst of Ney's corps. The mist suddenly lifting, disclosed the little band encircled by the French columns. William Napier was detached with six companies to support the left of the 52nd, but unable from the nature of the ground to see the men he was sent to support, he suddenly found himself with two companies in the midst of the enemy. Under the deadly fire of an overpowering force, his men hung back—two or three only followed him, and while returning back to urge them to a fresh advance, he was struck by a shot on the spine, and escaped death by dragging himself, his lower extremities being paralysed, to a heap of stones which afforded partial cover. From this position he was rescued by some of his own company coming up who drove off the enemy. Whilst one brother was thus severely, and as was then supposed, mortally wounded, another (George) had his arm broken by a bullet, while carrying his dying subaltern off the field. A third (Charles) hastening up, with his frightful Busaco wound unhealed, to the front of the army, met the two litters carrying his wounded brothers to the rear. The story is told with striking effect in the 'Life of Sir Charles Napier:'—

'Combat followed combat, the Light Division led in pursuit, and Charles Napier with his wound still bandaged, rode above ninety miles on one horse, and in one course, to reach the army. His regiment being with the main body, he heard each morning the ever-recurring sound of the Light Division's combats in front, and had hourly to ask of wounded men if his brothers were living? Thus advancing, on the 14th of March he met a litter of branches, borne by soldiers and covered with a blanket. What wounded officer is that? Captain Napier of the 52nd, a broken limb. Another litter followed. Who is that? Captain Napier, 43rd, mortally wounded—it was thought so then. Charles Napier looked at them and passed on to the fight in front.'

George Napier soon recovered from his wound, but at Ciudad Rodrigo, where he headed the storming party of the Light Division, he had the same arm again broken with more serious results, and, like many a gallant man of that period, he bore through life the trophy of an empty sleeve. But from the day of this to him disastrous battle-field, his brother William was a stricken man, for he carried that French bullet, the unceasing source of suffering, to his grave. The ball had passed round the spine, fracturing one of the processes in its course, and there it remained, causing at times intolerable neuralgic pains, and producing on such occasions an irritation of mind, for which, in reviewing the painful controversies of his after-life, a large allowance should be made. Who shall say how much of that bitterness of heart which sometimes embroiled a noble-hearted man in unseemly contentions, was due to that ever-present cause of physical irritation, the 'hærens lateri letalis arundo,' which racked the nerves and exacerbated the temper? Gone for ever from him was that gaiety of heart, that elastic buoyancy of feeling, which had made him the delight of his friends and the life and soul of every joyous company. The energy of his spirit indeed was not quelled: pain could not master *that;* nor was the force of his intellect weakened, nor his warm affections chilled by that monotony of suffering, which thenceforth made his protracted life a long disease. But from the shock his constitution had sustained, it was impossible that it should recover; he was an altered man, and in the tone of depression and complaint which thenceforth breathes through his letters, in the melancholy thoughts and desponding views of life which escape from him, we see proofs that the most heroic minds are not wholly proof against the effect of shattered nerves and physical prostration.

In connexion with the action of Caza Noval, the following letter addressed by Colonel Sir John Morillyon Wilson to the writer of these volumes is too interesting to be omitted: —

'My first interview with my dear departed friend Sir William Napier was on the battle-field of Caza Noval. I was then captain of the grenadier company of the Royal Scots. We were advancing towards the enemy, when I saw an officer, at the distance of about eighty yards, stretched on the ground beneath an olive tree, to the right of my company. Believing him to be either dead or badly wounded, I ran towards him and said, "I hope you are not dangerously wounded," at which he shook his head. "Have you been attended to by a surgeon?" He nodded assent. "Can I be of any service to you?" I said; and he again shook his head, but did not utter a word. He looked deadly pale, and I was deeply impressed

with the classical outline and beautiful expression of his handsome countenance. I told him I had some cold tea and brandy in my flask, and asked if I should give him a little of it; at which he raised his head, a sudden beam of pleasure sparkled in his eyes—he stretched out his hand, and I gave him a tumbler-full, which he drank with a most interesting expression of unexpected enjoyment —so much so, that I gave him a second dose; and when he had finished, he seized my hand and grasped it several times, as much as to say, "I don't know who you are, my good fellow, but I feel most gratefully thankful for your kindness." I then said, "Heaven protect you!" and ran off to join my company. I had not the slightest knowledge who he was, and amidst the firing and excitement of the moment I did not notice his uniform. In after-life I often spoke of this wounded officer as the handsomest man I had ever beheld. I never met him again in my wanderings through the various thoroughfares of military life, until about sixteen years afterwards, when he resided at Freshford, near Bath. I was then on a visit to Lady Wilson's father when dear "William" dined there, and after dinner when we were just about to join the ladies, and while I was standing near the fireplace with my arm resting on the mantelpiece, the gentlemen were speaking about "handsome men," and I said, of all the handsome men I had ever seen in the various parts of the world where I had been, there was none to be at all compared with the one whom I then described to them as above written—Napier sprang from his chair, put his arms round me, and exclaimed, "*My dear Wilson, was that you? that glass of tea and brandy saved my life!*" And a few tears trickled from his bright and animated eyes, expressive of his grateful recollection of the good service I had rendered him in that hour of his need and painful suffering.'

The two wounded Napiers were selected out of the whole army by Lord Wellington for the brevet rank of Major in acknowledgment of their zeal and conduct in the actions. William rejoined the army with his wound still open; was appointed brigade-major to the Portuguese brigade of the Light Division, was present at the battle of Fuentes Onoro, and until the raising of the second siege of Badajoz. Being then attacked with fever, which terminated in ague, he was sent home, not without reluctance on his own part, by Lord Wellington. Arriving in England in the autumn of 1811, he married in the following spring Caroline Amelia, daughter of General Fox, and niece of the statesman, a lady whom all testimonies concur in pronouncing admirable, not only for her domestic virtues, her gentleness of character, and unfailing patience under the severest trials, but also for those mental gifts which made her an invaluable helpmate to her husband in some of the most important undertakings of his life. The reader will find at page 259 of the first volume an account of the signal service that

Lady Napier rendered to the historian of the Peninsular War, in making available for his use a most important collection of French correspondence in cipher, which but for her ingenuity and patience must have remained illegible and useless.

Napier's attachment to this devoted wife was deep and constant; nevertheless he had been only three weeks married, and was far from recovered of his wound, when, hearing that Badajoz was again besieged, he started off once more for Portugal. At Lisbon he heard of the capture of that city, and of the death in the fatal breach of his dearest friend, Lieut.-Colonel Macleod, an event which plunged him into an agony of grief. 'Macleod is dead,' he writes to his wife, 'and I am 'grovelling in misery and wretchedness. I could roll in the dust 'were it not for shame.' His agonies of distress for the loss of those he loved were in proportion to the ardour of his affections. He now took the command of the 43rd, of which he had become regimental major, declining a flattering offer made to him by the officers of a Portuguese regiment, the 3rd Cacadores —to enter that service and take the command of the regiment. In the battle of Salamanca, the 43rd under his command bore a distinguished part, and gained applause for the admirable order and discipline of their advance in line under fire, Major Napier riding in front of the left centre company, a mark to the cannon of the enemy, yet unscathed. After the raising of the siege of Burgos, he was with his regiment in the harassing retreat into Portugal, which terminated at Ciudad Rodrigo, and rendered good service by his energy and vigilance. After a brief interval of absence in 1813, he again joined the forces, and volunteered to lead the storming party of the Light Division against San Sebastian. Major Napier's services were at first accepted, but on repairing to his post he found himself superseded by the appointment of another officer. He appealed to Lord Wellington, who, however, declined to listen to him, saying that he did not approve of volunteering, though obliged to resort to it sometimes, as he lost his best officers in that way. But though disappointed in this, Major Napier achieved a marked success in another operation—that of storming one of the strongest mountain positions on record, the hog's back ridge of La Petite Rhune in the Pyrenees. This exploit, though not one of the least brilliant in the war, and equally marked by the sagacity and courage with which it was conducted, did not happen to fall under Wellington's personal observation; had it done so it could hardly have escaped a prominent notice in his despatches; and though it was in the power of the historian of the war to redeem this injustice of fortune by a notice

from his own pen, he has made no mention of an achievement which, if performed by another officer, would have been sure to receive his especial commendation.

At Arcangues, Major Napier was again wounded, but did not quit the field, nor would he allow his name to appear in the list of wounded, lest he should alarm his wife, who was expecting her confinement. After the battle of Orthes, in which also he was engaged, being seriously ill with dysentery, and suffering from the effects of his wound, he was advised by General Pakenham to ask leave to go to London for advice, and that officer in fact obtained the leave for him. He thus missed, to his great chagrin, the battle of Toulouse. Arriving in England in April or May 1814, he received at the termination of the campaign the brevet rank of Lieut.-Colonel. He now joined, together with his brother Charles, the Military College at Farnham—so anxious were they both to take every opportunity of improving their professional knowledge, and so little did they regard the distinction they had achieved in the field as affording a dispensation from further study. While thus engaged, the news of Napoleon's flight from Elba startled Europe from its dream of peace, and William Napier, eager to be once more on the scene of action and of glory, embarked at Dover to join his regiment in Belgium; but it was too late. While he was putting his baggage on board, the decisive battle was being fought at Waterloo. After a few days spent in Brussels, he accompanied the army to Paris, where he was a witness of the triumphal entry of Louis XVIII., a spectacle which he regarded with no favour. For the next three years he remained in France with the army of occupation, the 43rd being quartered in various towns in the north-eastern parts of that country. This appears to have been the most profitless and uninteresting period of his life. Inaction, succeeding to the stirring scenes in which he had previously been an actor, drove his thoughts inwards to the contemplation of his own enfeebled health, his ill-requited services, and his separation from the wife and children for whose society he pined; he consoled himself, as best he might, with books, with pictures, with letters to his wife, and with occasional outbreaks of that old Adam which neither wounds nor sickness, nor the sorrows and disappointments of life, had been able to subdue:—

'About a week ago,' he writes to his wife from Bapaume, 'I saw a bricklayer, an old French soldier, beating an English one in the street. . . . This excited my rage, and upon my interfering, the French gentleman informed me that he would serve me in the same way. This did not cool me, as you may guess, and I put myself in

attitude, and we had a *fit*, which ended in my knocking him clean off his legs eight times following with as many blows, when he declined any more battle.' (Vol. i. p. 198.)

The provocation might be great, but we cannot admire Colonel Napier's readiness to 'fall to' on this and some similar occasions.

The period fixed for the British occupation at last expired; the army returned home, and in the year 1819 the military career of this distinguished officer, then only thirty-three years of age, was brought to a close. Though terminated thus early, it had been active and very honourable. He had been thirty times engaged; had commanded a regiment in several general actions, and detachments nearly equal to a regiment in several others. He had gained two steps and three decorations in the field—he stood high in the estimation of the Duke of Wellington, who had honoured him with his confidence, and had condescended to discuss with the young officer strategical questions with a familiarity which he allowed to few. He had missed Waterloo, indeed, but we know upon good authority that a few days before that battle General Alten, who commanded the Light Division, in passing in review the characters of the various officers in it, fixed upon Napier and Baring (his own aide-de-camp, who afterwards so resolutely defended La Haye Sainte) as the two men of the whole division whom he would have selected for a desperate service. His courage, indeed, the inheritance of his race, was almost a proverb, but to this he united professional knowledge, the result of zealous and diligent study, which few officers of his rank could pretend to. In addition to these claims, he had received three wounds, one of them so severe as to make his life a martyrdom of suffering. And now what was his reward? Though a lieutenant-colonel by brevet, he was still but a regimental major, and he saw officers much less signalised than himself, promoted over his head. An opportunity was indeed afforded him of obtaining the lieutenant-colonelcy of his regiment by purchase, but the means for such an outlay were wanting to him, and though Lord Fitzroy Somerset generously pressed the required sum upon him as a loan, William Napier would not borrow what he could not foresee the means of repaying. Another officer, who had seen but little service, was about to exchange into the 43rd as major, with the view of purchasing the lieutenant-colonelcy over his head, and to avert this mortification, Napier resolved to go upon half-pay, and to seek distinction in another field, since his own poverty and the neglect of those in power denied him advancement in his own profession.

The question naturally occurs, to what cause is this insen-

sibility to the claims of a highly meritorious officer to be ascribed? The 'cold shade' under which Napier pined, could not surely have been that of 'aristocracy,' for his connexions were high in rank, and he came of distinguished lineage. 'The circumstance is inexplicable,' says his biographer, 'except by the axiom — "Nothing ask, nothing have." 'William Napier was too proud to ask for any recognition 'of his merits.' Both in that and in some other respects, no doubt, he was wanting in those peculiar arts and qualities of disposition by which more supple men procure the favour of the great, and secure for themselves a large share of the good things of this life. He was not one of Fortune's courtiers; he held his head too high; was too little studious to please, perhaps too little cautious not to displease, the dispensers of favour. In those days, too, the claims of simple merit were perhaps less regarded than at present, when even upon the sacred ground of military promotion the encroaching force of public opinion has presumed to intrude. We may add one more circumstance—William Napier was a Radical in politics, a student of Cobbett, whose proscribed tracts his wife used to forward to him in France for his perusal. Such opinions were at that time, even more than now, *tabooed* in the army, and the military authorities of those days were not likely to be propitiated towards the ardent professor of that political faith. Wellington himself, albeit through life the firm friend of the Napiers, had no love to spare for a Radical. He evinced that feeling in the characteristic sentence, in which, while protesting against the writer's politics, he set the stamp of his high sanction on the truth and fidelity of the History.

To whatever cause it may be due—to the fault of circumstances or of the man—such was the result. The second epoch of William Napier's life had now begun. After twenty years of service he retired a brevet lieutenant-colonel, and settled himself in Sloane Street with his wife and young family. Many testimonies of honour and regret attended his retirement. Among others, the lieutenant-colonel and officers of the 43rd presented him with a splendid sword, as 'a mark of 'their admiration of the gallantry and conduct he ever dis-'played during his exemplary career in that regiment.' He was now to enter upon a new course of life, but one which opened to his versatile genius a career of usefulness and honour not less brilliant than that which he had relinquished. More fortunate than most other men who, debarred from the exercise of their original profession, find themselves unapt or dis-

qualified for other pursuits, William Napier could scarcely have been transferred to any sphere in which his mind would not have found a field for exercise and his talents for distinction. Ill-educated in his boyhood, he was a signal example of 'self-help.' In the midst of his active employments, he had found time and energy for the cultivation of various branches of literature, for the acquirement of modern languages, and even for the study and practice of the fine arts. He had naturally a fine taste for both painting and sculpture, and he qualified himself to excel in both those arts by extraordinary perseverance. He devoted much time to the study of anatomy and of the Elgin Marbles; he became an accurate draughtsman, and in the departments both of form and colour attained, in the opinion of competent judges, no mean proficiency. His statuette of Alcibiades obtained the approval of Chantrey, and in the judgment of eminent artists his natural powers and his indefatigable industry would have raised him, had he addicted himself to the pursuit, to a high place among the painters of his day. It seemed, indeed, as if his genius had an affinity with all that was grand or beautiful in art or nature, or in the sphere of human action or pursuit. To him might be applied what Hume has so finely said of one with whom the Napiers were connected by lineage, and had some features of character in common—the great Montrose: 'The finer arts too he had in 'his youth successfully cultivated, and whatever was sublime, 'elegant, or noble touched his great soul.' And considering the double sphere of action—of letters and of arms—in which William Napier acquired his renown, it will be allowed that few men of modern times have been better entitled to appropriate the gallant vaunt of the Scottish hero:—

> 'I'll make thee famous by my pen,
> And glorious by my sword.'

The pen was the instrument with which the retired soldier was henceforward to gain his triumphs, while he immortalised those of the army in which he had served. It was a weapon which the members of this gifted family were admirably skilled to wield. No one can read the despatches or letters of Sir Charles Napier without being struck with the force, clearness, and facility of the composition. Viewed merely as literary productions, they possess a high degree of merit. Another of the brothers, Henry, is favourably known to literature by the 'History of Florence,' to which he devoted his retirement from naval service. But the written style of the historian of the Peninsular War places him, by common consent, high in the

scale of the writers of his age. It possesses in a remarkable degree the qualities of energy and perspicuity, while it derives warmth and colour from a rich and fervid imagination. No writer attains to a high degree of excellence in prose unless he has something in him of the poetic temperament. William Napier had this element. He loved poetry; he showed in his attempts at versification, some of which are preserved in these volumes, though slight and unpretending in themselves, that he had a mind attuned to poetical thought and feeling. But the most convincing evidence of the fact is to be found in those noble passages of his 'History,' in which his descriptions of 'the 'pride, pomp, and circumstance' of war, of the shock of armies, the thundering charge, the ebb and flow of wavering and surging hosts, or the hand-to-hand struggle in the deadly breach, are touched and animated with the living fire of imaginative genius. Did our space permit, we could multiply examples of beautiful images and glowing thoughts which require only the outward form of verse to make them absolute poetry. Yet admirable as is the composition of this great work, the writer when he commenced it had had little or no practice in his art. His first appearance in the field of literature was made in our own pages. In the 'Edinburgh Review,' vol. xxxv., published in 1823, will be found a very able criticism on Jomini's 'Principes de la Guerre,' the book which contained the first exposition of Napoleon's system of warfare. Napier had studied the great strategist's campaigns with unusual care, and no man was better qualified to review the treatise. The mode in which he discharged his task revealed to his friends in what direction his strength lay, and probably brought home to his own mind the consciousness of powers equal to a more extended work. A wise adviser, to whose counsel he was indebted at more than one crisis of his life, pointed out the path to fame which lay open to him. The following account of the origin of his great work was given by Napier to one of his daughters the year before his death:—

'It was all owing to Lord Langdale I ever wrote that history; *he first kindled the fire within me.* I was living in Sloane Street on half-pay, and for the time just living a very pleasant, desultory life, enjoying my home and friends in London, dining out, going to the exhibitions, and talking to the officers I had known in the Peninsula, and consorting with Chantrey and Jones, and so forth, and painting a great deal. I had never written anything except that Review, when, soon after it appeared, I was walking one day with Bickersteth, and he asked me what I was thinking of doing. I thought he meant where I was going to dine that day; but he said, No! what was I thinking of turning to as an occupation? and then he went on to

urge me to undertake some literary work, telling me I had powers of writing yet undeveloped; that the Review proved it to him; that I must not waste my life in mere pleasantness; and he urged me so seriously and so strongly, suggesting the late war as my province, that it began to make me think whether I would not try; and what he said about not wasting my powers made a great impression on me.' (Vol. i. p. 234.)

The idea thus dropped, like a seed, into his mind, germinated and took root. He pondered much upon it, and passed some sleepless nights revolving it in his thoughts. The project fascinated him; his wife encouraged him to attempt the task, and after a short interval of hesitation, the resolve was made. His first step was to call on the Duke of Wellington and request the use of his papers. The Duke's reception of him was kind, and his answer, though with some reserve, was encouraging. It appeared that he meditated writing a narrative of the war himself, not to be published, however, till after his death, lest the truth, which he was resolved should be spoken out, should wound the feelings of some worthy men, whereby 'I should do as much mischief,' he said in a laughing way, 'as Bonaparte himself.' He declined, therefore, to give Napier his private papers; but he gave him some valuable official documents, all his own 'Orders of Movements,' and, *inter alia*, King Joseph's portfolio, taken at Vittoria, and containing his whole military correspondence. The Duke did more, he promised that he would always answer any questions as to facts which Napier might put to him. This promise the writer freely acted upon, and the Duke punctually performed.

Continually, during the progress of the work, Napier both put to him personally, and addressed to him in writing through Lord Fitzroy Somerset, a variety of questions which were always fully and carefully answered without delay, the Duke replying to the queries with his own hand in the margin. It is amusing to find that many of the facts which were most cavilled at or denied by the critics, were those which had been related on the sole authority of the great Commander himself.

Sir George Murray, the Quarter-master-General, to whom application was next made for the use of the maps and plans illustrative of the operations in the Peninsula, was in the same predicament as the Duke. He too had a History of his own in view, and on that avowed ground declined to part with the documents. Now Murray was a man of well-proved ability; he held a high rank in the profession, and *à priori* it would have been assumed by the majority of persons qualified to form an opinion, that he was likely to produce a more worthy record

of the Peninsular campaigns than the young lieutenant-colonel, who both in military and in literary standing was at that time considerably beneath him. On these grounds the editor of these volumes acquits the Quarter-master-General of any blame for his refusal. Napier himself, it seems, was not quite so charitable. However, undeterred by the repulse, he set himself to work diligently in the early part of 1823 to collect materials. He made a visit to Paris and obtained an interview with Soult, who gave him a very cordial reception, furnishing him not only with the documents which he required but with more than he had asked for. Through Soult's courtesy Napier was put into direct communication with Marshal Jourdan, he had interviews with officers high on the staff of Massena and Ney, and obtained copies of the official journals kept by the chiefs of Marshal Victor's and General Dupont's staffs. He likewise procured admission to the Bureau de La Guerre at Paris, where he worked for several weeks.

'Here, among other important documents, he had access to the muster-rolls of the French army in the Peninsula—that is to say, to the *real correct* muster-rolls which were drawn up by Marshal Berthier every fifteen days during the war, for the special information of the Emperor Napoleon: for there were other muster-rolls, systematically fabricated to impose on the French people, and even on the armies; the distinction being that the true returns were bound in green, the spurious in yellow.'

On returning from Paris Napier took up his residence for some weeks at a farm-house near Strathfieldsaye, for the sake of greater facility of reference to the Duke of Wellington.

Besides the materials derived from these fountain-heads of information, in England and France, a great assortment of letters and journals of officers of every rank in the service, describing the events which they had personally witnessed, were freely placed at the historian's disposal. One of his most serious difficulties was to reconcile the conflicting versions of the same transactions which these narratives contained. So rare is it to find an exact concurrence of testimony among several persons, however veracious, when speaking of the same facts and with equal opportunities of knowledge. There were also competing personal claims to the honour of particular achievements, which could not be adjusted, even with the utmost desire to do impartial justice, without offending sensitive feelings and sometimes involving the author, against his will, in angry controversy. These difficulties were inevitable, yet when we consider the advantages which Colonel Napier brought to the performance of his task: the fact that

he had been an eye-witness of and actor in many of the operations described — his great mental qualifications — his previous diligent study both of the science of war and of its practice as exemplified in the campaigns of the most famous generals, and especially of the great modern master of the art, Napoleon—his confidential relations with the Duke of Wellington—the facilities so liberally granted to him by the French authorities—and lastly, his opportunities of communication with his old friends and comrades of the Peninsula—we may safely conclude that he of all other men was the best qualified to write the history of the war.

The result fully confirmed such anticipations. In the spring of 1828 the first volume of the book was published, Mr. Murray having paid the author 1,000 guineas for the copyright. The reception of it by the public, apart from those who were personally affected and considered themselves aggrieved by the statements contained in it, was highly favourable. The capacity of the author for his arduous undertaking was established beyond all question. Testimonies to the merits of the book poured in from many quarters. The author's accomplished friend, General Shaw Kennedy, declared—what was quite true—that, as a military history, nothing in our language could be placed in comparison with it. Other competent judges spoke of it in like terms. In France it received, if possible, still higher appreciation. George Napier, writing from Paris, thus reports to his brother the cordial testimony of Soult:—

'Soult desired I would give his best regards, and said, "Your brother's work is perfect; it does honour to his head and heart, and must be as satisfactory to the French army as it is to the English; it is the work of a just and honourable man, whose only object is to tell the truth without fear or vain boasting. As to his remarks at the end of the chapters, they are most scientific, and require no comment from me or any other military man—they speak for themselves." He afterwards said to me, "Your brother is the most candid, fair, and honourable man I ever saw, and his History is truth, and cannot be contradicted."' (Vol. i. p. 314.)

George Napier reported also the opinion of Count Mathieu Dumas, himself a very eminent military writer. He said:—
'I have written a few lines to your brother upon the very few
'points on which we may have a trifling difference, but upon
'the whole, I pronounce the work a model of truth, skill, and
'eloquence. . . . . Although I am an old author, and have
'met with much approbation, I do not feel competent to
'criticise it: indeed, it is impossible.' (P. 317.)

The second volume was published in the following year, and fully sustained the reputation of the first. Some disparaging critics, indeed, there were, but their bark has long since been silenced; some accusations of partiality and unfairness, but time and inquiry have pronounced their refutation. The war of pamphlets raged for awhile, and the author was obliged to desist more than once from the prosecution of his task in order to reply to his assailants, but the foundations of his work were firmly laid in historical truth, and the darts hurled against it proved innocuous. The political tone of the book did not escape animadversion: one complaint was that the conduct of the Spanish Government and the character of that nation had been represented in too harsh colours; but the publication of the 'Wellington Despatches' has since given a decisive answer to that charge. Others thought that an English historian had done more than justice to the enemies of his country. But the sarcasm of Lord Stanhope, that Colonel Napier had written 'by far the best *French* account 'yet published of the Peninsular War,' was in truth the best eulogium of the History. 'To refrain from dispar-'agement of a gallant enemy was,' as the author rejoined, 'not un-English;' and it was justly observed by one of his gallant Peninsular comrades, 'that truth required that the 'French should be shown to have been highly skilled and 'formidable opponents, and surely, on their having been so, 'and being so represented, depends the glory of the British 'arms.'

The sixth volume was published in 1840, and, after sixteen years of continuous labour, the 'History' was completed. Judgment may be pronounced upon it in a few words, and will now pass *nemine contradicente.* It is the first work of its class, the best military history extant; in fulness, eloquence, and truth unequalled. We have already expressed our opinion of the composition and style. In matter and substance the book is no less admirable. The complicated movements and evolutions of the campaigns are described with a clearness and skill which make them—unlike military narratives in general—intelligible to a non-military reader. As Napier himself said, in his criticism of Jomini's expositions, 'an Alderman might understand them.' The sieges and battles are related with a spirit and graphic force which captivate and delight the reader. The characters of the chief actors are sketched with a free and discriminating hand. The details are skilfully grouped and kept in due subordination to the leading events. The whole work is pervaded by a tone of pure and elevated morality, and bears on every

page the impress of an upright and truthful mind. It bespeaks at once the gallant and chivalrous soldier and the accomplished man of letters. So long as the honour of the British army and the memory of one of the keenest struggles in which this country has ever been engaged are dear to Englishmen, this book will live, not only as the best but the *only* record of the great transactions which it commemorates. Before, indeed, the work was half through the press, it was evident that there was no room left for a competitor. Wellington was much too wise, Murray far too good a judge of literary merit, to entertain a thought of entering upon the same field. As for all previous compilations, they were reduced at once to the condition of unsaleable stock. The last pages of this immortal work, including the admirable comparison between Wellington and Napoleon, were composed, like many another effusion of genius, under the pressure of severe pain and physical depression. As an example of the author's striking power of figurative description, we will extract only the last sentence of that celebrated parallel:—'In following up a victory the English general fell 'short of the French Emperor. The battle of Wellington 'was the stroke of a battering ram—down went the wall in 'ruins: the battle of Napoleon was the swell and dash of a 'mighty wave before which the barrier yielded, and the roaring 'flood poured onwards, covering all.'

It might seem as if the eloquence which breathes through these and similar passages had derived increased fervour from the racked nerves and agonised frame of the sufferer who penned them. Other and not less admired portions of the work were written under circumstances less discouraging. Thus, the immortal page which describes the battle of Albuera was completed, we are told, in a rare interval of health, on a stormy day of March, as the author strode along an upland down in Wiltshire, battling with an equinoctial gale.

So much of William Napier in his twofold character of soldier and historian, in both of which he shines with untarnished honour. We now approach a passage in his life respecting which a more qualified judgment must be pronounced. It is impossible, indeed, not to commend the feeling which prompted him to devote years of labour and all the powers of his intellect to the task of vindicating the character and actions of his defamed brother, the conqueror of Scinde. Fraternal affection, carried to an almost romantic pitch, had from the days of their early companionship in the Peninsula, been the characteristic of the Napiers. William, with his eloquent tongue and ready pen, was through life the champion of the brother-

hood, the redresser of their wrongs, the eulogist of their noble deeds—

'Notus in fratres animi paterni.'

He loved them all, but Charles, *par excellence* the hero of the family, was his especial pride. Regarding with intense admiration the rare and splendid qualities of the man—his eminent talents for war, his scarcely less eminent administrative ability, his generous self-devotion and his penetrating sagacity, he overlooked, in his fraternal partiality, the aberrations and indiscretions of that eccentric genius. He was blind, with more than a lover's blindness, to those grave faults of temper and of judgment which alone prevented this highly-gifted man from attaining, with universal assent, the highest honours his country could bestow. Taking this one-sided view of his brother's character, and goaded by the calumnies with which his enemies pursued his name, William Napier was far from being in that frame of mind which is required in a judicious and impartial biographer. In the 'History of the Conquest 'of Scinde,' and still more in the 'Life and Opinions of Sir 'Charles Napier,' acrimony of spirit and obliquity of judgment are painfully conspicuous. In reviewing this work shortly after its publication we expressed with frank sincerity the very unfavourable opinion we had conceived of so injudicious a production. It was unjust to the memory of Sir Charles Napier; it was unworthy of Sir William Napier's pen. But as we expressed our reasons for this judgment at length on that occasion, we shall not now revert to the subject, except with reference to a single incident. Among the passages in these volumes which excited our indignation there was especially one relating to the outrage on the feelings of the mother of Sir Charles Outram. Accordingly among the letters of remonstrance and reproach which the publication of his brother's 'Life' brought down upon Sir W. Napier, was one bearing the signature of the aged mother of that gallant and high-minded officer, who, to the deep regret of all who honour the name of Napier, had been the object of the unmitigated enmity of both the brothers. This letter was written, not to vindicate the fame of her more distinguished son—which required indeed no vindication—but to protest against the inconsiderate and unfeeling mention of another son, who had died in India at an early age, under very painful circumstances, which, previously to the publication of Sir W. Napier's work, had been carefully concealed from his mother. The fact had been bluntly mentioned in a letter of Sir C. Napier, thus, 'Outram's brother

'cut his throat in India,' and this letter, printed in the 'Life,' and extracted in a Review, made the distressing truth first known to Mrs. Outram. Overcome with grief at the disclosure, she addressed Sir William in a letter of severe, yet dignified rebuke, concluding with this pathetic appeal:—

'You and I, Sir, will never meet in this world:—in that one to which we are both perhaps rapidly approaching, earthly feelings and vindictive passions must then be over, but their effects remain: we must give an account of our own trespasses. I trust you will repent of having destroyed the peace of a widow who never injured you, and whose grey hairs you are bringing with sorrow to the grave.

'MARGARET OUTRAM.'

Sir William Napier, as one of his most intimate friends testifies, was overwhelmed with grief and compunction on receiving this letter. He answered it in these terms:—

'June 4, 1857.

'MADAM—Your solemn, and to me terrible letter has just reached me, and to it I can give no answer.

'I hope God will pardon the pain I have given you, though unintentional; I say unintentional, as it was a careless transcribing of a passage never intended for publicity, and to which publicity ought not to have been given. I pray God may alleviate the suffering of your aged heart and the self-reproach which I feel. I can say no more.

'W. NAPIER.'

Mrs. Outram to Sir W. Napier.

'June 10, 1857.

'SIR—Your answer to my letter demands an acknowledgment. Aware in my own long life of having committed many errors, I am ready with my whole heart to pardon injuries done to me, particularly if atoned by regret or repentance. It is due to your feelings and my own to assure you that your answer to my letter soothed and gratified me, as expressed like a soldier and a Christian gentleman. All I have to rejoin in is to express my regret that your feelings and my own have been so much pained, and to assure you of the *entire* forgiveness of

'Yours truly,

'MARGARET OUTRAM.

'P.S.—I am now anxious to bury this sad affair in oblivion.'

It is pleasing to record that the intercourse, commenced so sadly, did not altogether terminate with the above correspondence. A year later Sir William, when lying very ill, received a most kind and cordial letter from the same lady, and he held her in the highest esteem and reverence to his death. 'Remember the end and let enmity cease,' said the wise man.

The letters of Sir William Napier contained in these volumes

are for the most part of great interest. They embrace a large variety of topics, both public and private, and there are few of them which are unstamped with the peculiar and vivid genius of the man. The intensity of his domestic affections, the warmth of his friendships, the impetuous outflow of his feelings, when moved by grief, pity, or indignation, they find vent in 'thoughts that breathe and words that burn,' can scarcely fail to touch the coldest hearts with some emotion of sympathy. One letter in particular addressed by him, after many years of separation, to his early but long-expatriated friend Lady Hester Stanhope, though it would exceed our limits to insert it here, may be pointed out as a striking specimen of the passionate eloquence with which, when deeply stirred, he poured forth his feelings.

We have little space left to bestow, though the subject occupies many pages in the volumes before us, upon the political opinions and conduct of Sir W. Napier. Those who have seen the quality of the man, so vehement in his feelings, so warm in his sympathies, will not need to be told that he was an ardent and outspoken politician. Residing in England, and unemployed, except upon his unfinished History, during the feverish epoch of the Reform Bill, and taking the keenest interest in that struggle which brought the country to the verge of revolution, he threw himself heart and soul into the cause which he believed to be that of justice and freedom. While he held fast to what he deemed the essential principles of the Constitution, he did not hesitate to cast in his lot with the Radical Reformers of that day in their advocacy of a widely-extended suffrage, vote by ballot, and short Parliaments. He denounced the shortcomings of the Whigs, inveighed against the barbarity of the New Poor Laws, branded the abuses of the Irish Church, lashed the selfishness of the rich, and depicted in burning language the wrongs and sufferings of the poor. He regarded a social convulsion as imminent. 'Everything,' he wrote in February 1831, 'is tending towards confusion. 'The declaration of the Ministers will be the signal for peace 'or civil war. Reform must be granted, or civil war follows. '. . . It is really time to do something. My heart is sick 'at seeing the miserable children starving in the streets, and 'the squalid wretches that are spread in all parts crying for 'food, amidst the rolling of carriages and the most insulting 'and selfish luxury, which the rich people seem to pride them-'selves in displaying.' (Vol. ii. p. 341.)

The truth is, that in all cases in which the condition or feelings of his fellow-creatures were concerned, the conclusions of

William Napier were based not on the reasonings of his brain, but on the emotions of his heart. With him every poor man was *primâ facie* the victim of social injustice; mendicancy and distress were presumptive proofs of political misgovernment. As his biographer truly says, 'his peculiar temperament led 'him to accept as true every allegation of injustice or oppres-'sion, and drove him, like a goad, to repair the wrong and 'punish the oppressor.' Hurried away by his keen sympathies and his generous though short-sighted indignation, he did not stop to analyse the causes of social derangements or inequalities; not that his mind was unequal to such investigations, but that, where the question was one of human wrongs or afflictions, his feelings would not permit the exercise of a cool judgment. He was a Radical not from envy, or vanity, or selfish ambition, but from an impulsive and over-sanguine philanthropy. But never, under the pressure of the strongest temptation, did he condescend to pander to popular ignorance or passion; never did he 'surcease to honour his own 'truth,' or belie the loyal convictions of his heart. When a member of the Bath Working Men's Association spouted some wild trash about 'pulling down all kingly and priestly 'institutions, and establishing a republic on their ruins,' Napier at once frankly declared his severance from their company. When another orator at a public meeting included the Duke of Wellington in his denunciation of the enemies of the people, Napier immediately stood up to vindicate his old chief, whom he knew to be as honest and true a patriot as himself, however widely different in the complexion of his politics.

The temptations to which his entry on the political arena exposed this fervid champion of the popular cause were of no ordinary kind. Napier then resided near Bath, and his public demonstrations were confined to political meetings in that city and its neighbourhood. The sensation which his appearance on these provincial platforms excited is no matter of surprise. His distinguished name and reputation, his noble aspect, the charms of his voice and manner, were aided by an eloquence rarely heard in such assemblies. We may be sure that it is no flourish of the reporters when we are told that the cheers that followed his spirit-stirring harangues 'shook the 'room,' for how could William Napier have been otherwise than eloquent? His was the 'perfervidum ingenium,' the true native source of eloquence: that electric oratory by which heart speaks to heart, and hearer and speaker are together borne along by a resistless tide of over-mastering emotion. The fame of his speeches soon spread beyond the limits of his

provincial sphere, and he was marked out for a 'leader of the 'people' in the struggle which, in the eyes of many at that excited time, appeared imminent between the party of the 'movement' and their opponents in power. First came tempting offers of a seat in Parliament. More than once the reformers of Bath offered to return him as their member, and on his refusal proved they would have the power so to do by electing Mr. Roebuck. Other constituencies pressed the same honour upon him—Devizes, Nottingham, Glasgow, Birmingham, Oldham, Kendal, and Westminster. Such invitations were flattering, but, on the other hand, there were strong reasons impelling him to decline. His retirement on half-pay had left him with straitened means and a large family unprovided for. The great work on which his fame and purse alike depended was yet unfinished. His constitution was enfeebled from the effects of his wound, and pain and sickness were his constant visitants. How would that shattered nervous system have borne, at such an exciting period, the wear and tear of the House of Commons? Again his friend Lord Langdale was appealed to, and the counsel which he gave to abstain from the risks and anxieties of a political career was seconded by Napier's own convictions. But propositions of a still more important and delicate nature were addressed to him. Mr. Erskine Perry, then a stranger to him, wrote to ask permission to add his name to the Council of a Political Union, of which Sir Francis Burdett was to be the Chairman. The objects and operations of this league are but slightly indicated in the letter, which concludes by informing the person addressed that 'the grand desideratum of your name is that, if a 'crisis should arrive, you are the man of all others in the 'country, and I say it without flattery, that we should look to 'as a leader.' (Vol. i. p. 359.) In answering this letter, Colonel Napier states several reasons for declining the proposal—his ill health, his family ties, and his reluctance to assume a leading part in political agitation. He remarks also that no movement in this country was likely to be successful, except under the guidance of men of property and influence, and that 'when they stirred themselves effectually, the object 'in view would be gained without the necessity of any appeal 'to arms.' A few days later another and more definite application was addressed to him in a letter from the late Mr. Charles Buller, dated November 4, 1831. Complimenting him on his 'noble speeches,' and assuring him that, in the 'present deplor-'able prospects of the country,' and 'the utter incapacity' of 'all the known leaders of the people,' he (Napier) is the only

'bold, honest, and wise man,' who can be looked to to 'save 'the country,' this ardent reformer urges him to come forward and draw out a plan for a national guard, and 'we shall have 'you at its head in a fortnight.'

Colonel Napier showed by his mode of responding to this overture that, however vehement he might occasionally be in his language, he was in the matter of political action more discreet and sagacious than his correspondents. After urging similar reasons to those already given to Mr. E. Perry, he adds: 'No doubt a national guard ought to be formed; but 'unless we can get it done simultaneously all over the kingdom, 'and procure the accession of powerful men, I fear that we 'shall only widen the breach, already too wide, between the 'different classes of society; and it is certain that the Ministers 'will never favour it until they find that the desire is univer-'sal, and the men of influence who are ready to act numerous.' (Vol. i. p. 364.)

Quieter times came, and at length came also a recognition of the claims of the veteran officer and now eminent writer, who had hitherto reaped but a scanty share of material rewards. Early in the year 1841, it was intimated to him through a friend that, if he would make an application to the Government, he might obtain a pension of 300*l.* for 'literary services.' But such an application was repugnant to Colonel Napier's sense of honour. He feared by so doing to compromise his well-known political opinions; he was restrained also by the consciousness that it was in truth by personal, not public, motives that he had been prompted to become an author. The reward was conferred in another shape, less lucrative, but more gratifying to his feelings. A pension of 150*l.* a year 'for distinguished 'service as a soldier,' with a special position in the Army List, was granted to him, and made him, as he said, 'quite content.' Later in the same year, Sir Robert Peel being then in office, and his old friend Sir H. Hardinge Secretary at War, the latter announced to him, in a very flattering letter, that his name was about to appear in the Gazette as a Major-General, and requested him also 'to consider the service in time of peace 'which would best suit him.' Ireland, Canada, and Guernsey were severally suggested. Sir H. Hardinge enclosed in his own a letter from Sir R. Peel, highly creditable to that Minister, who, respecting the political independence of an opponent, declared that he knew Colonel Napier in no other capacity than as a soldier of distinguished gallantry, and as 'the eloquent and 'faithful historian of the Peninsular War.'

In January 1842, General Napier, who now gratefully

described himself 'as overwhelmed with favours,' was appointed Lieutenant-Governor of Guernsey, and in the April of that year he commenced his residence in the island. The post was an honourable one, but the climate was unsuited to his health, and the government did not prove so smooth a pillow for him as his friends would have desired. The constitution of the Royal Court, which claimed the chief executive as well as the supreme judicial authority, was that of an oligarchy, composed of the members of a few leading families, all connected together by blood. Its administration of justice by no means squared with the Lieutenant-Governor's ideas of equity and rectitude. The irritability of his temper, aggravated by disease, rendered accommodation much more difficult. Harassing controversies between the local potentates and the representative of the Crown speedily arose; his vehement efforts to reform abuses were met on their part by a pertinacious opposition. Appeal was made to the Privy Council at home, which resulted in a decision upon substantial points in favour of the Governor. These feuds, which continued with more or less aggravation during the whole period of his residence in the island, occasioned General Napier much disquietude. The truth was that, whether in Guernsey or elsewhere, this energetic reformer could never succeed in making men so public-spirited and disinterested as his own high standard required, yet his uncompromising sense of duty would never let him acquiesce in the conclusion of experience that 'that which is crooked cannot be made 'straight.' Nevertheless his rule in this petty community, however disappointing to himself, was not unfruitful of good. It was through his exertions that a Royal Commission of Inquiry into the criminal and civil jurisdiction of the island was appointed, whose labours have been, and are likely to be, productive of improvement. He reorganised and armed the militia, and he devised a system of defence for the Channel Islands, which was adopted by the Government, and has since been partially executed. Lastly, though he was a thorn in the sides of the ruling class, he gained considerable popularity among the people at large, and received the thanks and approbation of the Crown. After the resignation of his government in January 1848, the command of the first vacant regiment (the 27th) was conferred upon him, and he was shortly afterwards appointed K.C.B. upon the occurrence of the earliest vacancy in that Order.

With these honours, having now reached his sixty-fourth year, General Napier retired from the scene of his last public

employment to pass the remaining years of a secluded, but by no means inactive, existence in the bosom of his family. His tenure of life, indeed, had been for some time precarious. By many a sharp and agonising attack death had of late knocked at the doors of the shattered tenement which enclosed that indomitable spirit. Unable any longer to walk out of doors, he removed with his family in 1849 to Scinde House, Clapham Park. Here he was visited on occasions of military or political interest by some of the ablest men of England, desirous to consult his opinion, or to profit by his experience. From this retirement he watched with an interest which never flagged the great events passing on the theatre of the world, but especially those which affected the honour of his own country, or the well-being of those most dear to him—his greatest interest being the career of his absent brother in India. From this retreat came from time to time a reminder to the public in one of his trumpet-toned letters to the 'Times,' to stir men's minds by some case of oppression or neglect, or by some appeal to the patriotic spirit of the nation. The state and prospects of European politics, the campaigns on the Indus and the Sutlej, the War in the Crimea, the conduct of the British fleet in the Baltic, the Italian Campaign of 1859, the defence of England against invasion, the organisation and discipline of Volunteers, the merits of the Minié Rifle, the system of flogging in the army, the veracity of M. Thiers' History, the neglect of old Peninsular soldiers, the care of the Egyptian statues in the British Museum—such were the multifarious topics which by turns employed his active mind and unresting pen. But to those who were admitted to familiar intercourse his discourse was still more interesting and characteristic. Between the paroxysms of his acute neuralgic pains his mind worked with extraordinary vigour. He would then pour forth—sometimes for three hours at a time without break or pause—his ideas, clothed always in graphic and nervous language, upon the familiar topics on which his mind loved to dwell—on ancient and modern generals, statesmen, and systems of government; sometimes even on complicated problems of currency or finance—or he would descant in glowing terms on the characters of some of the objects of his hero-worship—of Julius Cæsar, his favourite among the ancients—of Sir Walter Raleigh, or of Napoleon, whose marvellous intellect he regarded with an admiration which blinded him too much to the darker qualities of that dazzling genius.

Time went on, and the approaching end was heralded by those saddest monitors, the deaths of friends, of brothers,

of his early companions in arms, of the great Chief himself. Sir Charles Napier had returned from India in March 1857, crowned with the fame of his splendid victories, but crushed with the weight of sixty-seven years of hardship and toil, and bearing in his frame the seeds of a mortal disease. In November 1852, the two brothers stood together under the dome of St. Paul's, and looked down with bowed heads and with thoughts which none might penetrate, into the open grave of the great Commander under whom they both in their hot youth had fought and bled on the fields of the Peninsula. They were great men alike—the departed and the mourners—alike in loyalty, faithfulness, and truth—different, indeed, in many qualities of character, and widely different in their destinies, yet united through life by the bonds of a mutual admiration and regard. What the Napiers thought of Wellington has been recorded by both brothers in terms as eloquent as discriminating: the force of language cannot add to them. What Wellington thought of the Napiers is evinced by many public and private testimonies—by his speeches in Parliament, by expressions forcible, though brief, and which none will suspect of flattery, preserved in these volumes; by his firm adherence to them through all the chequered scenes of their career; above all, by his selection of the one to deliver an empire in a great crisis, and by the confidence with which he left to the other the transmission of his own fame and actions to posterity.

The grave had not long closed over the remains of the great Duke ere it was opened to receive one who in military genius had approached most nearly to his famous Chief. Sir Charles Napier died in August 1853, at Oaklands, near Portsmouth. His brother William, who never left him during his last illness, received his parting breath, and 'for many hours con-'tinued in the room, keeping his solemn watch over the dead, 'and almost as motionless.' The funeral, though private, was voluntarily attended by the whole of the Portsmouth garrison, by the Lords of the Admiralty, and a large body of naval officers. The line of road along which the procession passed was densely crowded, the most conspicuous figure being that majestic old man, who with snow white hair and beard flowing to the wind, stood over the grave, striving to find words to express the feelings of his over-burdened heart. 'Soldiers,' was all he could say, 'there lies one of the best men—the best 'soldiers—the best Christians—that ever lived. He served 'you faithfully, and you served him faithfully. God is just.' (Vol. ii. p. 348.)

A short interval of only two months elapsed before the mourner was summoned to attend the deathbed of another of the famous brotherhood: Henry, the naval captain. An accomplished sailor in his early years, he had been laid on the shelf when the peace came, and had turned, with the ready talent of his family, to literature, as an occupation for his leisure and a solace under domestic bereavement. His death was followed in 1855 by that of the second brother, George, a Major-General and K. C. B. He had been a gallant and good soldier, and though he did not possess the commanding genius of Charles or William, was more fortunate in this respect, that he is said never to have made an enemy. He rendered valuable service in several capacities to his country, and might have attained even higher positions than he reached, but for his own modesty and sense of honour. Distinguished throughout the Peninsular war, having been aide-de-camp to Sir John Moore in the Corunna campaign, shot through the thigh at Busaco, and deprived of an arm at Ciudad Rodrigo, he became a Major-General in 1837, and was appointed Governor of the Cape, where he carried out many measures of public benefit, abolished slavery, promoted education, reduced taxes, and kept the country free, for more than seven years, from Caffre war. Being at Nice in 1849, he was offered by Charles Albert the command of the Sardinian army, but declined it, not choosing to fight except in the cause of his own country. In the same year, when war was raging in the Punjaub, and Lord Gough's fortunes seemed to waver, the voice of the public at home demanded a change in the command, and the Duke of Wellington recommended the ablest soldier in England to the East India Directors. But the appointment of Sir Charles Napier was too bitter a pill for them to swallow: the time was not yet come. The name next suggested was that of his brother, Sir George, and to him, albeit not fond of the family, they were willing to assent. But Sir George loved his country and his brother too well to allow himself to be put in the place of the best man. He declined the offer, and Sir William Gomm was nominated—speedily, however, to be recalled. The sequel is well known. The news of the battle of Chillianwallah reached this country, the fate of India seemed to be at stake—the voice of the nation imperiously called for the Conqueror of Scinde. The Duke sent for him, and said; 'If you don't go, I must.' He consented, and went, but found the contest decided ere he arrived.

Deeply afflicted by these and other domestic bereavements, as well as by the loss of old friends and comrades who were

falling fast around him—of Lord Raglan, whose talents for command he had early discerned, and of Lord Hardinge, to whose fame he had raised so noble a trophy in his narrative of Albuera—William Napier, the last survivor of the soldier brothers, was now fast sinking under the increasing burden of his infirmities. The force of his intellect, indeed, was unabated: when he could no longer hold the pen, he could still pour out his thoughts by dictation, upon the subjects which interested his heart. And though he bore his days of pain and restless nights with great fortitude, yet ever and anon some reminiscence of his early life, bringing out the sad contrast between his then enfeebled state and his youthful energy and prowess, would wring from his heart the sad wail of the disabled warrior:

> 'Oh! mihi præteritos referat si Jupiter annos,
> Qualis eram!'

On the 18th of November 1856, he writes to a friend: —

'This is the anniversary of the battle of Nivelle, in which I won my Lieutenant-Colonelcy. I was then strong and swift of foot: only one man got into the rocks of La Rhune before me, and he was but a step; yet eight hundred noble veterans, strong as lions, were striving madly to be first. I am now old, feeble, bent, miserable, and my eyes are dim, very dim, with weeping for my lost child, and my brain is weak also. . . .' (Vol. ii. p. 404.)

The last paper which he ever composed, consisting of a code of instructions for the training of Volunteers, was dictated to his son-in-law, Mr. Bruce, about six weeks before his death. And now came the last scene, which derives a mournful interest from the beautiful picture of conjugal affection, strong in death, which it presents. It was the close of 1859; the health of Lady Napier had been long failing, but at this time alarming symptoms appeared. It was not, however, thought necessary to disturb her husband with the tidings, and when her daily visits to his room were discontinued, he supposed some ordinary ailment to be the cause.

The close should be described in the biographer's own words: —

'A few days after the date of the last letter, Lady Napier was seized with sudden insensibility, and continued in that state so long that her medical attendant thought it very doubtful if she would ever recover from it; it became therefore imperative to inform Sir William of her real condition. That announcement was accepted by him as his own summons; from that moment it appeared as if he gave up all thought or desire of life. He who had shown wonderful fortitude under his own sufferings, and even to the very last, when not in the worst paroxysms, manifested such a springing elasticity

and cheerfulness of mind, now at last gave up the struggle. He refused all nourishment as loathsome to him, turned his face to the wall like the Israelitish king, and almost literally grieved his life away. For days after his wife's danger became known to him he would see no one; and when his son-in-law on first arriving went to him by the doctor's wish, in the hope that he might be roused to talk, he found him with tears rolling slowly down his cheeks, thinking, as he said, over forty-eight years of married happiness which was coming to its end. After all his long pains, it was not his disease but sorrow which overcame his extraordinary strength and vitality; and had it not been for the departure of hope and the desire to live, it is probable that he would have lingered on for some time longer.

'Contrary to expectation Lady Napier became better, but as she lay in one room and her husband in another it was doubtful which would first break by death the strong chain of forty-eight years' riveting which bound them together.

'After lying in the state above described all January, on Friday, the 10th of February, Sir William's great strength began to yield. During the last two weeks, to the inexpressible comfort of his children, all acute pain appeared to have departed. On Sunday morning, the 12th, death was evidently very near. His wife was wheeled into his room on a sofa and placed beside his bed, where she remained about an hour. He did not speak, but she said he certainly knew her; and thus they took their silent farewell of a companionship which had so greatly blessed their earthly pilgrimage. His face had worn all day that indescribable expression of peace and ineffable rest which often marks the countenances of those in their latest moments who have gone through very prolonged sufferings; and at about four o'clock in the afternoon he breathed his life away so gently that it was impossible to say when the breathing ceased.' (Vol. ii. pp. 482–3.)

The funeral, which took place at Norwood, was strictly private, but all the surviving veterans of the old Light Division who were within reach voluntarily attended to pay the last mark of honour to their departed comrade. Six weeks afterwards, she who had been his mainstay through life, without whose help, as he often declared, his History of the Peninsular War could not have been accomplished, who had endured with heroic constancy such trials as seldom fall to a woman's lot to bear, the wife of his youth, the prop and comfort of his suffering old age, was laid peacefully by his side.

So lived and so died, after seventy-four years of an existence of extraordinary energy, conflict, and endurance, William Francis Patrick Napier, a man whose name the country which he served, and the profession which he adorned, will not willingly let die. What he was as a soldier is but partially known to the world for this reason, that, being himself the

chronicler of the operations in which he took part, his individual share in them has escaped the mention which it would doubtless have received from another pen. Moreover his military career was prematurely closed, and an opportunity was never afforded of testing his ability in the more arduous departments of his profession. He never held a high command, and his capacity for handling large bodies of men, and conducting the greater operations of war, must remain in some degree problematical. But he had applied his sagacious and comprehensive mind with great zeal to the study of military science; he had deeply pondered and commented upon the most celebrated campaigns of ancient and modern generals; he had been admitted to discuss with Wellington the plans and combinations of that great master: he had sketched out, with a singular concurrence of ideas, the scheme of those operations in India which his brother Charles had conducted with such marvellous results: and if any judgment can be safely formed from the principles and views which he has left on record in his writings, it seems not unreasonable to believe that, had circumstances permitted him to take the position of command to which his genius and ambition pointed, he would have exhibited in practice, what he so fully comprehended in theory, the skill, the judgment, and the manifold resources of a great commander. In the moral and physical attributes which qualify a man to lead and to gain a mastery over the minds of others, he was certainly pre-eminent. Such was he as a soldier; as a writer, it is enough to say, that in the special field of literature which he selected for himself, he stands almost without a rival. But, unless the light in which he is exhibited in the volumes before us is entirely distorted and fallacious, we may venture to say that there was in William Napier something yet greater and more admirable than either the prowess of the soldier or the genius of the historian, and that was—the character of the man. There was in him a large infusion of the *heroic* element, that nobleness of nature, that loftiness of thought and aim, which elevated him, notwithstanding his full human share of faults and imperfections, above the stature of common men. He walked in the light of a grand ideal, of which self-devotion, disinterestedness, loyalty, and truth were the leading outlines. 'England has need of' such men; when she ceases to produce them, the star of her greatness will be on the wane. And as she owes them a large debt for their spirit-stirring example, she owes it likewise to their memories 'to guard their honour from corruption.'

ART. IV.—1. *A general View of the Criminal Law of England.* By JAMES FITZJAMES STEPHEN, M.A., of the Inner Temple, Barrister at Law, Recorder of Newark upon Trent. 1863.

2. *First Report of her Majesty's Commissioners appointed to consider the Reform of the Judicial Procedure and Laws of India.* 1856.

3. (24 & 25 *Victoriæ, chaps.* 94, 95, 96, 97, 98, 99, 100.) *Acts for the Consolidation of the Criminal Law.*

THE work of Mr. Fitzjames Stephen on Criminal Law, the title of which we have prefixed to these observations, is, he informs us, intended neither for practical use nor for an introduction to professional study. Its object is to give an account of the general scope, tendency, and design of this important part of our institutions. The matter is scarcely cleared up by this announcement, for it seems quite clear that, either for practice or study, it is necessary to apprehend the scope, tendency, and design of the criminal law. The apparent difficulty, however, vanishes on inspection of the work itself. Mr. Stephen has formed many opinions as to the nature of the reforms required in the criminal law, and well knowing that he would have little chance of a hearing were he to embody his proposals in a single pamphlet, he has preferred to adopt the didactic in preference to the expository form, interspersing his explanations with such remedial suggestions as from time to time occur to him. The course he has taken seems to be a judicious one, and the result is a work which gives the fair and impartial view of a man of sense and learning on a subject well deserving the attention of Englishmen of every rank and condition.

Many things combine to draw attention at this particular time to the present state of our criminal law. A hideous exhibition of depravity and wickedness which attended the execution of the murderer Müller has made men doubt whether it is wise to retain the present plan of public executions, or whether more terror might not be inspired into evil-doers, less opportunity might be given for the exhibition of brazen hardihood on the part of the culprit, and much brutality and obscenity might be avoided, if the execution were conducted privately but attested by competent witnesses. Then there is the commission appointed to inquire into capital punishments which seems to announce a doubt on behalf of the advisers of the Crown,

whether death-punishment in any shape ought to be continued at all. If we turn to the subject of secondary punishment, we find matters involved in still greater uncertainty. The ill-advised recommendation of the Royal Commission for the increase of transportation to Western Australia has, as was foreseen at the time, created such a ferment in the colonies, that it was withdrawn before it was acted on, and the victory has been so actively followed up, that the Government have announced their intention of applying to Parliament for powers to discontinue transportation to Western Australia altogether.

The remarkable and very unsatisfactory case of Dr. Smethurst, where the verdict of a jury was virtually set aside by the report of a medical man employed by the Home Secretary to investigate the case without having power to administer an oath, and without being examined on oath himself; the case of Jessie Maclachlan, where a prisoner who was, by her own confession, the principal in a murder in the first degree, received the pardon of the Crown; and the case of Townley, where the execution of the law was virtually set aside by the certificate of two Derbyshire magistrates, put in motion by the attorney for the defendant, have drawn much attention to the powers exercised by the Home Secretary, and raised a doubt in the minds of many persons whose opinions are entitled to great respect and consideration, whether the powers now vested in the Home Secretary should continue to remain in his hand, or whether some court of appeal should not be provided.

Thus the whole question of secondary punishment for the graver class of offences is once more reopened, and every man is at liberty to offer his views in opposition to a system in which those who direct it seem to have so little confidence. The digestion of the criminal law by the Acts of 1861, the recent introduction of a code of penal enactments into India, avowedly in place of English common law, tend to show that things can hardly be allowed to remain as they are; and yet notwithstanding all this flood of innovation, opinion, we believe, lies generally in the direction of leaving things alone, and not endangering the good we possess by any exaggerated zeal for reformation. To those who entertain any such conviction on the subject, we recommend Mr. Stephen's work as well calculated to raise intelligent doubt, and to prepare the mind for arriving at sound and beneficial conclusions. It will be our endeavour in what follows to suggest reasons why the criminal law, though so much and so deservedly praised, requires alteration and amendment, and to point out those reforms which we believe may safely be made without impair-

ing the stability, and with great improvement to the symmetry, of this venerable fabric.

The argument against capital punishments derived from the presumed sanctity of human life and the absence of any right in society to deprive any of its members of that existence which it did not confer upon them, finds, as might be expected, little favour. In this hard and practical age, people have found that the metaphysical assumptions which met so much favour thirty or forty years ago, are very fallible guides in the affairs of human life. Nor are we now much pressed by the assertion that it is the duty of Government to set a good example to their people, and encourage them to respect human life by showing respect for it themselves. The answer of the French philosopher is as true as it is witty; the whole thing is nothing but a question of priority. Who is to begin—the Government or the murderer: 'Abolissons la peine de mort, 'mais que messieurs les assassins commencent.' Let the murderer abolish the pain of death, and Government will be most happy to follow his example. But we have no similar security on his behalf.

The arguments which are principally pressed are, that the object of punishment is either to reform or to deter; that in the case of death-punishment reformation is of course out of the question, while it is broadly denied that death-punishment has any deterring efficacy. The argument is an abstract one, and it is as old as Thucydides. It is to be found in the memorable speech of Diodotus on behalf of the Mitylenians, and deserves quoting at length, as being, as far as we are aware, the first remonstrance of humanity and good sense against the indiscriminate use of the punishment of death.

'In the cities,' he says, 'the punishment of death is propounded for many faults even less than the one we are considering, yet still men carried away by hope run the risk; and no one yet advanced to danger having convinced himself in his own mind that he would not prevail. It is the nature of all men to err both in private and public matters, and there is no law that will prevent them from this, since men have gone through all punishments, adding and adding that they might be less injured by the evil-disposed, and it is probable that originally more gentle punishments were imposed for the greatest offences, but these being transgressed in course of time, the greater number are raised to death, and this law is still transgressed. Either then you must find a more dreadful terror than this, or this at least in no degree restrains; but poverty giving boldness to the needy, and opportunity suggesting covetousness to insolence and pride, and other external circumstances giving similar incentives to the disposition of men, as each is ruled by some incurable master-passion, lead them

forth to danger. And hope and desire, in every case desire leading and hope following, desire devising the plot and hope suggesting the facility of its execution, do most evil, and, unseen as they are, prove stronger than the dangers that are seen.'

Another argument is the one from familiarity and compassion, stated by Sir Edward Coke in his Fourth Institute:—

'True it is, we have found from useful experience that it is not frequent and often punishment that doth prevent like offences. Those offences that are often committed are often punished, for the frequency of the punishment makes it so familiar that it is not feared. For example, what a lamentable case it is to see so many Christian men and women strangled on that accursed tree the gallows, insomuch as if in a large field a man might see altogether all the Christians that but in one year in England come to that untimely and ignominious death, if there were any spark of grace or charity in him, it would make his heart to bleed for pity and compassion.'

Another argument much insisted on is that the dislike that is felt in many quarters to the punishment of death causes juries to fail in their duty in dealing with capital cases; so that the severity of the punishment when inflicted is in this view more than counteracted by the difficulties which that very severity puts in the way of obtaining any punishment at all.

The first remark we have to make on this controversy is, that the assertion so constantly made, that the two ends of punishment are to deter or to reform, is a very incomplete account of the matter, since it omits an office perhaps as valuable as either of the others—that of preventing further crime. Every criminal is a heavy incubus on the public, and gains his subsistence in the manner most wasteful and most injurious to their resources. The thief receives a very small portion of the property which he takes away; the man of violence inflicts misery infinitely greater than the satisfaction he derives; the criminal's business is carried on at a frightful waste of human property and human well-being. During the time when a criminal is kept under restraint society is a gainer by the whole amount of the misery he would have caused had he been at large, and by the difference between the expense of his maintenance in prison and the tax that he would levy on society by wasteful and reckless depredation. If these considerations are strong when applied to mere imprisonment, how much stronger must they be when applied to a species of punishment which relieves the community altogether from the cost and anxiety of maintaining and guarding the criminal, and puts it absolutely out of his power to do any further mischief to his fellow-creatures? It is a strong proof of the superficial, and what we may call pseudophilanthropical

point of view from which this question is ordinarily regarded, that men concentrate their attention on the sufferings of the criminal, leaving out of sight the misery that he has inflicted, and the misery which, in the event of his escape, he will be in a condition to inflict on innocent persons. To the act of wise vigour which prevented Strafford from acting as the minister and general of Charles I. during the great civil war which he provoked, and which he alone could probably have brought to a successful conclusion, more than to any other circumstance do we owe the establishment of our liberties. It is said that Palmer had committed in all fourteen murders; had he been detected and executed for the first, on which side would have been the gain to humanity? In a recent work by a colonial judge, we are told of the case of a man called Lynch, who was tried and acquitted for murder by a merciful jury, and who lived to murder ten other persons with every aggravation of cruelty and atrocity that can be conceived before he was overtaken by tardy justice. We are justified, therefore, in saying that one end of punishment is to prevent the commission of crime, and that this end is attained by the punishment of death in the very highest degree.

It would be, perhaps, unjust to press too hard on the argument of Thucydides, which was directed not against the capital punishment of individuals, but against the indiscriminate massacre of the whole male population of a great city. But it is quite evident that such an argument proves too much. If the master passions of mankind are so absolutely irresistible, if desire meeting with opportunity and stimulated by the confidence of success is sure to make the attempt, we may give up not only the punishment of death, but all punishment whatever, and must trust for the repression of crime to an education, if such a one can be found, which will enable men to control from within their unruly passions, and to such a police from without as will afford sufficient protection against violence. The argument reduces itself to an absurdity. The truth is, that the career of a criminal must be looked upon like any other career: it has its attractions and its drawbacks; its attractions consist in obtaining the property of others without steady labour, in gratifying any impulse of revenge or lust as it arises, and in a certain spirit of adventure which leads some men to court danger for the sake of its excitement. What its drawbacks are mainly depends upon the law. It is the duty of the legislature, on behalf of the honest part of the community, to make those drawbacks as great as possible, without shocking the general

feeling of humanity or defeating its own end by the impunity which is sure to follow on overstrained severity.

The only proof which is given of the assertion that the punishment of death does not deter from the commission of crime is the unquestionable fact that those crimes for which the punishment of death is denounced do nevertheless continue to be committed—that is, the remedy is no remedy at all, because it does not, in every case, effect a perfect cure. The question is not of completely preventing crime, but of materially checking its spread and increase, and may be reduced to this simple issue—is or is not the punishment of death greatly dreaded by criminals. Look at the facts. If a man is sentenced to any punishment short of death, little more is heard of him. He vanishes from the sight and the mind of the public, and considerable attempts are seldom made to save him from the penalty he has incurred. How different is it in the case of the punishment of death! How strenuous are the exertions made on every hand to prevent its execution! How very rarely is a criminal found to plead guilty to a charge involving capital punishment! How strong is the disposition to deny and extenuate his crime, and to treat it, even if thoroughly proved, as worthy of some less severe punishment! It is difficult to meet contradictory arguments at the same time, but we confess of the two, we are more struck with the view which represents the punishment of death as having too much than too little terror, and as tending to defeat itself by the strength of the sentiment against its execution which it raises in the public mind. Some years ago, when, from causes mainly political, people had less confidence than they happily have now in the administration of justice, this argument against the punishment of death, from the impunity which it often secured, undoubtedly carried with it great weight; but it is among many reassuring and gratifying symptoms which characterise the times in which it is our good fortune to live, that we hear little now of this morbid sensibility, and that juries are found to decide on capital cases with a care, indeed, and with an anxiety befitting the solemn and irrevocable doom which hangs on their decision, but with no greater bearing in favour of the prisoner than is exhibited in cases of less awful importance. The milder our government has become, the less disposition do the people show to fetter its efficiency by faltering in the execution of those painful but necessary duties which devolve upon them. The whole question is in the hands of the juries; for if it were found that they habitually refused to convict in capital cases, the legislature would have no resource but to

abolish the punishment of death altogether. There is no fear in the present day that death-punishments will lose their efficacy by too great frequency, and the argument from compassion, if it be once conceded that they deter from crime, is certainly not on the side of their abolition.

Assuming, then, that the punishment of death is to continue, shall it continue as at present, with every circumstance of the most extreme publicity? The argument in favour of publicity is, that it is absolutely necessary that the execution shall be notorious, so that no idea may exist that the criminal has escaped from the hands of justice by any culpable connivance of the authorities. It is also said, that, as the object of punishment is to deter, it should be made as public as possible, in order that this object may be the more fully attained. On the other hand there is a great deal to be urged. It is quite possible to obtain such evidence of the execution of a sentence as shall be more satisfactory to a reasonable man than the testimony of a crowd, in the midst of a scene of indescribable tumult and confusion, little able to identify the malefactor, whose last struggles are theatrically paraded before their eyes. We are also disposed to think that a private execution, all things well weighed and considered, is much more likely to inspire terror into the mind of the prisoner than the public exhibition with which we are familiar. We must view these things, not from the point of view of men of education and refinement, but of those for whom they are designed—the classes brutalised by ignorance, intemperance, and crime. No doubt, a gentleman—if we can imagine a person really worthy of the name in such a situation—would feel the public exposure as the bitterest and most intolerable part of his punishment. But though the law is made for all, the expediency of its provisions must be estimated with reference to the feelings and notions of the class on which it is destined principally to act. A little consideration will show that this very publicity is, to the hardened criminal, the greatest possible comfort and support. He has the excitement of appearing on a public theatre to act a very notorious part, to be for the moment the object of undivided interest and attention to many thousands of his fellow-creatures. The opinion which he values is not that of his superiors; it is the opinion of the very class from which he is taken, and who stand by as critical judges to applaud or condemn the manner in which he passes through the closing scene. There are familiar faces in the crowd, there are nods and recognitions, there is a sound of well-known voices even in that extremity. He does not fall

altogether solitary, nor altogether deserted. He has still one feat to accomplish. He must die game. Turn next to the spectators. The whole exhibition is to them one of thrilling interest and excitement—of interest into which they can thoroughly enter, of excitement which the coarsest and most callous natures cannot help feeling: they are encouraged in crime by the exhibition of courage and hardihood, and feel that, placed under similar circumstances, they would be able to act a similar part. If the execution be as it commonly is, as in the case of Müller, for instance, death almost without a struggle, they learn the fatal secret—to persons whose only terror is the privation of life—how easy it is to die.

> "Victurosque Dei celant ut vivere durent
> Felix esse mori.'

If, on the other hand, as occasionally happens, the sufferings of the criminal be long and protracted, a feeling of indignation is engendered against the execution of justice, and there is great danger that the criminal should be converted into a martyr. As far as abstract argument goes, then, the scale seems to preponderate very decidedly against the publicity of execution. But we are not left wholly to abstract argument. In the colony of New South Wales, where, if anywhere in the world, the feelings, habits, and propensities of the criminal classes ought to be thoroughly understood, private executions have been the practice for the last eleven years, and we are enabled to lay before our readers a very interesting account of the colonial law and its effects, as described by the highest legal authority in the colony. By the Act of the legislature of New South Wales which passed in 1853, any number of justices of the peace at their own discretion, and any number of unofficial spectators at the discretion of the sheriff, may be admitted within the jail to witness the execution; and the execution must be witnessed and the fact certified in writing by the sheriff or his deputy, and the surgeon and governor of the jail and two or three other persons. In fact, every such certificate is usually signed by about eight or ten credible persons. It is twice published, as the law requires, in the Government Gazette, and any false statement in it is punishable as a felony. In addition to this official publication, there is generally a detailed account of the execution in one or more of the newspapers by a reporter who has obtained admission for that purpose. There is, in short, no reason for doubting the reality of the execution in any case, and we are assured that no such doubt ever has been entertained as to the execution of any criminal whatever under the existing system. It is believed

that this comparatively private execution is, as might have been expected from the arguments adduced above, more dreaded by the criminal than public executions used to be. There is no excitement, no opportunity for display, no sympathy, no one who has come to see if the criminal will die game. The spectators are unimpassioned, they come to witness and record the transaction, and have no associations or feelings in common with the sufferer: all is solemnity and calm. If, on the other hand, the case be one calculated to excite the passions and hatred of the people, the last moments of the prisoner are undisturbed by the howlings and execrations of a mob, many of whom, if the secrets of all hearts could be revealed, would be found little better than himself. The secresy of the event gives scope for the imagination, and invests death with greater terrors than the actual sight of the struggle. Add to this that secret punishment saves entirely the demoralising scenes which usually surround public executions, and of which we have recently had so fearful an exhibition under the scaffold of Müller, and we think that a very strong case is made out for the consideration of the Commission now sitting in favour of the substitution of private for public executions.

We may assume, after the recent authoritative announcement, that transportation to Western Australia will henceforth be given up; and this raises the question whether we are, therefore, to give up transportation altogether, and, if not, in what form and under what conditions it can possibly be continued. The old notion of transportation was the sending prisoners to a new settlement for life, or for a certain number of years, there to be held to labour, as originally in New South Wales, either in a regulated kind of slavery to work for private persons, or, as more recently in Van Dieman's Land and Western Australia, to work together in gangs on roads or other public undertakings. On the expiration of the criminal's sentence, it was expected and intended that he should be absorbed and lost in the mass of the free settlers in the colony, and it was hoped that the facility of finding employment and of making a fortune incidental to a new country would prevent him in general from falling back into those criminal practices which had entailed upon him so much misery. It is unnecessary to enter into the merits of this plan, because, whatever they may be, we are convinced that under the existing conditions of colonisation and the improved facilities of intercourse, it is simply impracticable. The first condition of success for a system of transportation on the old principle is a thriving and progressive community; that con-

dition was not realised by Western Australia; and the result is that, instead of absorbing the bond labour into the mass of the free, the market became glutted and free labour was driven from the country. Not only did free labour fly from the competition of the convict, but the convicts themselves have re-emigrated in large numbers in search of better wages, or more abundant plunder; and this last effect of over-supplying a limited market with labour has in the case of Western Australia brought the whole system to the ground by exciting the indignation of the colonies upon whom the overflow of the polluted stream discharged itself. For such transportation, then, to succeed, we must have a fine country and a thriving community; but whatever was the case forty years ago, no thriving community will now tolerate transportation for a moment; they cannot afford to do so. The world is now thoroughly laid open to emigration; it is a great auction-mart, in which different communities are bidding for the superfluous population of more thickly-peopled countries. Cheap land, immediate naturalisation, ultra-democratic forms of government are the inducements commonly held out, and the competition is so keen that any community which should burden itself with the disgrace and injury of a convict population would infallibly be distanced in the race. Transportation, therefore, on the old plan, becomes impossible, because it cannot coexist with a large, free, and untainted population. If the country is poor and the increase of capital slow, the free population will be driven out. If the country is rich and the increase of capital rapid, the free population will not tolerate for a moment the introduction of the convict element, because they justly regard it as fatal not only to their moral, but to their material interest. The question, therefore, is narrowed to something little more than a point of detail, that is, shall we inflict all secondary punishments whatever within the British Isles, or shall we, in some cases, send our criminals to undergo their punishment in remote and unfrequented parts of the empire? There is perhaps no more manifest defect in our penal system than the enormous interval which separates capital from the very highest secondary punishment. It has pleased the legislature to abolish capital punishments in the case of assault with intent to murder, of rape, and of other crimes which we need not more particularly mention. Men convicted of such crimes, if they conduct themselves well under sentence, have still a fair future before them, and may, after a period of punishment and probation, look forward to a life of comfort and tranquillity. It requires

little argument to show that the first of these offences involves exactly the same moral guilt as murder itself, and the other being the infliction of an injury often worse than death, can scarcely be estimated as less criminal. Might it be possible to select in some rude and boisterous climate on some desolate shore, where the surrounding wilderness precludes the possibility of escape, and where continual labour is necessary to provide daily subsistence, a place of punishment for those great criminals whom it is not thought proper to execute; a place from which, when they have once arrived there, they shall return no more, so that it may be very reasonably doubted whether the man who is reserved for such a destiny has any reason to congratulate himself that he has escaped the gibbet to which a few years ago he would certainly have been consigned? If it were practicable, the establishment of such a penal settlement might fill up the void which every man who carefully considers our system of punishment must be perfectly aware exists between the heaviest of our present secondary punishments and the gallows. But on the other hand, the experience of Norfolk Island and its ineffable horrors, is a powerful argument against the repetition of such an attempt.

Before parting from the question of punishments, we will glance at a subject which has lately occupied much public attention, and excited a great deal of bitter feeling. By the law of England, the verdict of a jury is final, whether for acquittal or condemnation, and if the innocence of a prisoner should be ever so clearly established, the only means known to our law of doing him justice is by the exercise, by the Crown, of the prerogative of pardon, under the advice of the Secretary of State for the Home Department. The objections to this proceeding are obvious, if a man, who is really innocent, has been convicted. His claim is not for mercy, but for justice. The punishment ought not to be remitted, but the conviction from which the punishment flows should be set aside. Waiving this objection, we remark that the law provides the Secretary for the Home Department with none of that machinery which is necessary in order to enable him to exercise rightly the power which he virtually possesses of setting aside the verdict of a jury. He cannot summon witnesses; he cannot administer an oath to them; he cannot compel the production of documents; he cannot hold a court of justice in the sense in which we understand the term. We pass by as utterly impracticable the proposal which has been frequently made of allowing new trials in criminal cases. The

delay interposed would be fatal to that dispatch which is the very essence of the administration of penal justice, and if a conviction was not allowed to be final, an acquittal could hardly claim to be so. It would obviously be impossible to strip the Crown of the prerogative of mercy, so that every procedure which may be devised must, after all, be only an alternative. In an inquiry into the remedy to be applied to this state of things it would obviously be invidious and useless to canvass the real or alleged failure of any Secretary of State to administer, on proper principles, this delicate and difficult part of his official duties. No system of rules can obviate the liability to miscarriage of the most cultivated intelligence, the highest honour, and the best intentions. It is the fate of a Secretary of State to be alternately censured for undue leniency and excessive severity, or, sometimes even, as in the case of Townley, for the indiscretion and rashness of persons over whom he has no sort of control, and who have abused a power vested in them, with incredible levity, by a carelessly drawn Act of Parliament. Looking at the matter merely in the abstract, we have to consider whether anything can be done to increase the confidence of the public in the exercise of the royal prerogative of pardon, and to diminish the clamour constantly raised against the most careful decisions of very able men who have succeeded each other as Secretaries of State.

'The true remedy (says Mr. Fitzjames Stephen) would be to constitute a court of law charged with the duty of doing openly and judicially what the Home Secretary at present does in secret. It might be enacted that if it appeared to the Secretary of State for the Home Department that after the conviction of any person for any crime new evidence or new reasons to doubt the truth or accuracy of the evidence actually given had been discovered, or if the judge who tried the cause were dissatisfied with the verdict, the Home Secretary might call together a court to be composed of the judge who tried the cause, one other judge, and the Home Secretary himself, who should call before them any witness they pleased, and examine both them and the prisoner, if they thought fit, in open court, and also hear arguments by counsel, and finally deliver judgment, either confirming, quashing, or varying the verdict of the jury as they thought proper.'

This is the proposal of a very able man, who has given much attention to the subject, and is deserving of respectful consideration. The first thing that strikes us is, that the royal prerogative of mercy is, in this instance, taken away, although it would remain to be exercised in all cases, except the two provided for the case—namely, where the Secretary of State

should certify that he had discovered fresh evidence, and the case where the judge should certify that he was dissatisfied with the verdict. It would not be difficult to imagine cases requiring investigation which do not come under either of these two heads; as, for instance, where the Secretary of State, acting under the advice of the law officers of the Crown, was dissatisfied with the verdict, though the judge who tried the case was not: in such a case, the exercise of the royal prerogative of mercy is obviously exceedingly invidious. The proceeding contemplated is one, so far as we are aware, unknown to our law. It is not trying the case over again; for it does not appear to be contemplated that the whole evidence is to be recapitulated before the court, rather inaccurately called the court of appeal. It is not an appeal, for the decision is not to be given on the same materials as those on which the jury decided. The court is to examine into the truth of the evidence formerly given, without the advantage of hearing it for the first time, from the lips of the witnesses. It would be in the last degree invidious for persons to volunteer to come forward to support a verdict already obtained, while every effort would be made to find those who could say anything against it. Such a court would be, as it seems to us, a fatal blow to the independence of juries. We have said that it is now found possible to induce juries to convict, in capital cases, on pretty nearly the same evidence as in minor offences. How long would this be the case if their verdicts were liable to be quashed by a court sitting to review their proceedings on evidence which they have not heard, and which, if they had heard, they very possibly would not have believed? Will they not feel that the invidious duty now thrown upon them is made ten times more invidious by the knowledge that their verdict, on matters of fact, is liable to be set aside by persons not possessed of the local knowledge and experience which they have, not having heard the same evidence, and looking at the matter from a legal and technical point of view, instead of that broad and popular common sense, which is all that can reasonably be required from the ordinary juryman? One great merit of English procedure is, that the whole interest of the case is condensed and concentrated into a single trial. Both parties come fully prepared, well knowing that any deficiency of proof can never after be supplied. Would this be the case, if we made it the interest of the defence to keep something back, to be brought forward afterwards, so as to obtain a review in case of a conviction? For these reasons, we cannot assent to Mr. Stephen's proposal. We believe that a court of the kind

proposed would not be an improvement in the administration of justice; and we think that, great as the anomaly might be of pardoning a man because he is innocent, it is better to preserve the anomaly which is an evil, rather theoretical than practical, than to impair that on which the whole of our criminal law rests—the finality of the verdict of a jury on the facts left to them by the judge. If the prerogative of pardon is to remain intact, we must have some one responsible for advising the Crown as to its exercise, and that person must not be one of the judges of the land, but a minister holding a seat in Parliament, and responsible to Parliament for the advice he gives. All, we think, that can safely be done is to give the Home Secretary all the assistance the law can provide in the execution of this duty, and to secure for the public the means of fully understanding the grounds on which he acts. The duty of the Home Secretary is not to revise the verdict of the jury, but to consider whether the sentence which has been passed on the verdict should be carried into execution. If he relies on anything beyond the evidence before the jury for recommending a mitigation or remission of the sentence, it would seem that such matter ought to be verified and investigated, with the aid of all the powers of summoning witnesses, administering an oath, and enforcing the production of documents, which are now vested in the ordinary tribunals. All evidence so taken, together with the report of the judge, should be, in case they lead to the mitigation or remission of the sentence, laid, as a matter of course, before Parliament, together with a statement, by the Secretary of State, of the reasons which have induced him to recommend such mitigation or remission. Farther than this we cannot go with safety, and it may perhaps be thought that even to go so far as this is scarcely consistent with some of the arguments we have ourselves adduced against the proposal of Mr. Stephen.

Passing from the subject of punishment, we are naturally led to that which has so close a relation to punishment—the proper division and classification of offences. For full details on this point we must refer our reader to the work of Mr. Stephen itself, which is nowhere more admirable than in treating of this complicated and difficult subject. In order to secure the end of criminal justice, the awarding of punishment adequate, and not more than adequate, to the offence that has been committed, it is necessary, so far as possible, to comprehend under each definition of crime offences implying pretty nearly the same degree of atrocity, so as to leave as little as possible to the judge, and as much as possible to the legislator. The most comprehensive division of crimes known to our law is into felonies

and misdemeanours; and there ought to be a great distinction between them, for the incidents attending them are very different. The person indicted for a felony has the power of peremptorily challenging the jury, which is denied to the prisoner indicted for a misdemeanour. The courts will grant a new trial in cases of misdemeanour, but not in case of felony. Anyone may arrest another on reasonable suspicion that he has committed a felony, if a felony has actually been committed. A felony makes a forfeiture of goods, which a misdemeanour does not. As a general rule a previous conviction for a felony may be given in evidence, a previous conviction for misdemeanour cannot. We have a right to expect that the distinction between two classes of crime attended with incidents so opposite to each other shall be clearly and distinctly marked, so that a person of ordinary intelligence may be able at once to say under which division any particular crime fell. But the principle upon which crimes are treated as felonies or misdemeanours is quite unintelligible to reason, and though it may be historically explained, it cannot be scientifically justified. The original meaning of the term felony seems to have been any crime except treason, which was punished with death. This was at least definite. Whatever was not felony or treason was a misdemeanour; but by the statutes of the 25th Edward III., giving benefit of clergy,—that is exemption from death, in case of felony, to all men who can read—the distinctive mark of felony, the being attended by the punishment of death, was taken away, and the matter was yet further complicated by a number of subsequent statutes taking away the benefit of clergy from felonies considered of peculiar atrocity. Thus felony lost its distinctive characteristic without acquiring any other, and this blot remains uncorrected to the present day. As a general rule the older crimes, that is those which arise in a simple state of society, are felonies, while the new crimes which have been created to meet the requirements of a more advanced civilisation are misdemeanours. A man who has obtained money and goods by false pretences is guilty of a misdemeanour, a man who has stolen them is guilty of a felony: the distinction runs through all our criminal law, and it is useless to multiply instances; a crime is ranked as a felony or misdemeanour not according to its atrocity or to the punishment which it is to receive, but according to something which we can hardly place higher than accident. We are disposed to agree with Mr. Stephen that the distinction between felony and misdemeanour, that is between graver and lighter offences, should be preserved, but it is surely quite necessary

that the catalogue of offences which come under either of these heads should be reviewed, and that some better reason why the incidents of forfeiture, power to arrest, and right of peremptory challenge should attach should be given, than the fact that offences created by common law are mostly felonies, while offences created by statute law are mostly misdemeanours. Till this great fundamental division of crimes has been reduced to reason and order, it is vain to hope for any scientific division or gradation of offences: when that division has once been made; when we have advanced so far as to be able to discriminate between graver and lighter crimes, we may hope that we shall be able to attain that gradation and classification which are necessary to eliminate the arbitrary element from our judicial proceedings, and make our criminal law what it ought to be—not only mild and equitable in its administration, but clear and intelligible in its theory.

When such is our negligence with regard to the great and leading divisions of crime, it can hardly be expected that we shall be more successful in our attempts at the definition of particular offences. The whole proceeding is highly curious, and merits the serious attention of anyone who would wish to form for himself a clear idea of the manner in which the criminal law of England has been created, the elements of which it is composed, and the different authorities from which it has sprung. The first step, so far as we can trace it, seems to have been to take some name, such as treason, murder, robbery, or the like, to stigmatise it as a crime, and to connect with it some particular punishment. This satisfied the wants of a rude age in which evidence and the investigation of facts were unknown, and a man being convicted of an offence by the verdict of his neighbours, founded on common repute, it was unnecessary to inquire into the ingredients which composed that offence. But when the jury passed from the position of witnesses into that of judges, it became necessary to know what were the facts which would justify them in finding the commission of a crime which their predecessors had been in the habit of finding without any facts at all. Then came the era of definitions, which being founded on the habits and ideas of a rude age, were generally far too narrow to comprehend the crimes of the same nature which are committed in a more advanced state of civilisation. These definitions have never been enlarged in words, but they have been for some six hundred years the subject of judicial interpretation. Sometimes the judges have interpreted them liberally, so as to adapt them to the new state of society, so as to comprehend under a common

name many crimes never contemplated by the original legislator; sometimes they have interpreted them narrowly, so as to exclude offences of exactly the same nature as those originally denounced. In the first case we have a number of dissimilar offences called by the same name, in the second we have a number of similar offences called by different names—faults equally fatal to classification, and to the awarding of a punishment proportioned to a crime. We proceed to illustrate this strange and almost incredible state of things by a few striking instances not drawn from the obscurer and more remote parts of the law, but from offences very frequently committed and therefore most carefully illustrated and considered by judicial authority.

The first instance we will select is that of the law of treason, a crime which from its public importance, and the peculiarly grotesque and horrible punishment with which it was visited, was apparently more likely than any other to be accurately defined once for all, and kept carefully within the limits of the definition. We shall find that the limits of the offence have been perpetually expanding and contracting. Treason originally seems to have been, like the *lex majestatis* of the Romans, a name under which might be included any real or supposed offence which the crown desired to punish. Thus in the reign of Edward II. any act of misconduct by an officer of the crown, any usurpation of official authority, or any injury to royal rights, were acts of treason. The man who sported on his own land without grant, or escheators who unlawfully made waste of the king's wards, or took venison, fish, or other goods, were considered in the reign of Edward II. to be guilty of this highest of all crimes. This enormous extent of the law was restricted by the Act of the 25th of Edward III. which enacted in substance that 'when a man doth 'compass and imagine the death of the king, or the queen, or 'his eldest son, or levy war against the king in his realm, or 'be adherent to the king's enemies in his realm, giving them aid 'or comfort there or elsewhere, he is guilty of treason.' The object of the statute was clearly to limit treason to these offences, and others which we have omitted, relating to females of the royal family; and this is clearly shown by another section, in which it is declared that, riding armed to rob, or slay another, is not treason, but felony, or trespass, as the case may be. Here, then, we have the crime of treason reduced within very moderate and manageable dimensions—compassing the king's death, levying war against him, and adhering to his enemies. But this definition was soon found to be as much

too narrow as the other was too wide. It belonged only to offences personal to the king, and did not provide for crimes in their nature rather breaches of patriotism than of loyalty, and offences more against the body politic than the life or safety of its head. As soon as the progress of civilisation indicated the existence of a class of treasons not contemplated by the statute, it clearly became the duty of the legislature to supply the omission; but that duty the legislature did not discharge, and the judges set to work, by subtle and strained constructions, to elicit from the statute of Edward III. a meaning which was never in the contemplation of the legislation which passed it. Thus they invented, according to Sir M. Hale, constructive levying of war, such as war to throw down enclosures, to raise servants' wages, and to alter religion established by law. These things, says Sir Michael Foster, though not levelled at the person of the king, are against his majesty, and besides they have a direct tendency to dissolve the bonds of society, and to destroy all property, and government too, by numbers and an armed force. The clause about compassing the king's death was similarly manipulated. It was held to extend to attempts to spoil him of his government, to any deliberate attempt whereby his life may be endangered, and to attempts to get possession of the king's person, because the distance between the prisons and graves of princes is very small. Thus the law of treason, after having been pruned and cut down in the reign of Edward III., under the fostering hands of the judges, grew up again into rank luxuriance; and thus was effectually foiled the only attempt on record made by Parliament to give to our laws something of scientific precision, by furnishing an authoritative definition of a *crime*, and limiting the punishment to acts fairly and reasonably coming within that definition. We cannot say that, considered as legislators, the judges have gone at all beyond the necessities of the case, but as expositors of law, they have clearly repealed a statute, and created, at their own will, a number of offences equally unknown to the common or statute law of this country. The sequel of the history of the law of treason is almost equally curious. By an Act, passed in 1795, under the influence of the panic created by the French Revolution, most of these judicial constructions or additions to the law of treason were embodied in a statute, as they ought to have been some hundreds of years before; but these clauses were repealed in 1848, and re-enacted, being extended to Ireland, with a clause saving the operation of the Act of the 25th Edward III., and declaring the offence under the Act of 1848 to be not treason,

but felony. The law on this subject, therefore, stands thus—There are a certain number of offences amounting to high treason which can only be prosecuted as high treason, and there are a certain number of offences equally amounting to high treason which the Government may, at its option, treat as treason or felony; thus giving to, or withholding, at its pleasure, from the culprit those safeguards which the common law has provided for persons indicted of high treason, and subjecting him, on conviction, at its option, of the very same offence, either to hanging and subsequent mutilation, or only to transportation. It is impossible to imagine a history or state of law less creditable to our national jurisprudence, or more imperatively requiring alteration and amendment.

The next illustration we will take is the crime of murder, which presents some strong points of resemblance to the history of treason. The original notion of murder seems to have been homicide attended with secresy. This is the genuine notion of the Teutonic races; for we find, in the ancient laws of Ireland, homicide distinguished into three classes. The first and least culpable, where the slayer publicly avowed the homicide as his act before competent witnesses; the second, concealed homicide, where he left the weapon in the wound, so as to give a clue to the discovery of the slayer; and the third, where he used all the arts of concealment, which was properly denominated murder. In the sixteenth century, the progress of society and the good sense of mankind had altered the definition of the offence, and substituted for it the definition we now have, that murder is the slaying of a man with malice aforethought. By a statute of Henry VIII. the benefit of clergy is taken away from persons who kill another with malice aforethought. Here, then, as in the case of treason, we have arrived at something like a definition of the offence, only the definition, as in the case of treason, turned out to be far too narrow. It was obvious that there were many kinds of homicide deserving death which could not properly be described as done with malice aforethought. The legislature did nothing to remedy this, and the judges, as in the case of treason, set to work to mend the definition. The first thing they did was virtually to expunge from it the word aforethought, and this once done, it only remained to remodel the word malice. They declared that malice meant wickedness generally, and hence arrived at the conclusion that to kill any one wilfully with a wicked state of mind was murder. Hence, an intent to commit a felony, an intent illegally to do great bodily harm, wanton indifference to life, an intent to fight with deadly

weapons, and an intent to resist a lawful apprehension, have all been held to be states of mind so wicked, that homicide resulting, even though not intended, will amount to murder. We have not space to examine each of these offences separately. It is evident that they vary from each other in every conceivable degree of guilt. It is equally evident that the classification of all these offences under one head, and the subjecting them all to the same punishment, is not the result of a deliberate act of the legislature, but of subtle and overstrained judicial constructions, which, if it were now attempted for the first time, could not be supported by any plausible argument. Would it not be better if the legislature, instead of passing Consolidation Acts, framed apparently on the assumption that crimes exist independently of their definition, and therefore avoiding most carefully the duty of defining them, were to restrict the crime of murder within some such limits as the French Code has restricted the crime of assassination—*guet-à-pens*—that is, ambush and lying in wait, and had treated each of the other offences which the law considers as more serious than manslaughter separately, awarding to each a punishment proportioned to the amount of guilt? We have not to complain very seriously of the substance of our criminal law; but we have very seriously to complain that, having been created by judicial interpretation for the most part subtle and overstrained, it is allowed to remain in the fragmentary and desultory state in which it was first created, resting on positions manifestly false, and arguments altogether illogical, when a little care, a little thought, and a little labour, might reduce it to a system intelligible to the whole community, instead of resting, as it does now, upon far-fetched analogies and wire-drawn distinctions.

If we wish for an instance of the manner in which judicial interpretation can err in a contrary direction, we shall find it in the history of the crime of theft. In treason and murder the judges employed their whole powers of exposition to widen the area of the definition, and to bring as many offences as possible within it. In the case of theft they adopted a proceeding entirely contrary. The definition of theft was derived from the notions of the age in which it was made, when land was the subject of a peculiar code, when there was little personal property, and that in the immediate possession of the owner. The definition of theft, under such circumstances, was naturally enough the taking away of personal property out of the possession of the owner. It is curious to consider how different would have been the state of the law of this country.

had the judges construed this definition with one-half the liberality they exercised in the case of treason and murder. It is not too much to say that it would have entirely altered, and very greatly raised, the morality of many occupations in which a high standard of honour is of the utmost importance. Stealing was confined to personal property, and therefore the wrongful appropriation of a neighbour's land—one of the worst forms of stealing—was left unpunished, and regarded as a mere trespass. The title-deeds to land were similarly unprotected by law, for the silly and pedantic reason that they savoured of the realty. The property must be 'taken,' and so the innumerable ways in which a man can convert to his own use the property of his neighbour, without actually taking it from him, were left untouched. But, worst of all, were the rules which refused to recognise larceny of any property not in the immediate possession of the owner. Possessory rights were the only ones the law regarded. If, in addition to depriving me of my property, the thief violated a confidence which I reposed in him, the violation of that confidence secured him impunity. Embezzlement, obtaining money under false pretences, were held not to be theft, and appropriations to their own use of trust monies by trustees, escaped punishment till 1861. There is still no larceny of a chose in action. The effects of this impunity were and are most disastrous on public morality. The criminal law is not only the creation of the public conscience; it reacts upon its creator, and the habit of seeing many kinds of guilt punished creates the impression, that whatever is not punished is not wrong. The way in which these evils have been—at least in some degree — remedied, is highly characteristic. The narrow definition of larceny — the cause of all the evil — is left untouched, and a number of Acts have been passed to extend the penal consequences of theft to cases where there is no actual taking or *asportavit*, as in false pretences, or where the possession is ambiguous, as in the receipt of money by a servant on behalf of his master, or where the possession is in another, as in the case of breaches of trust. Mr. Stephen proposes to sweep away all these miserable and bungling expedients, and to redefine larceny in terms which shall include the original narrow definition, and all that the legislature has added. The principle of his definition is to substitute 'appropriate' for 'take,' and to omit the restriction which confines the penalty to possessory rights. This definition, which we recommend to the serious attention of lawyers, is as follows:—'To steal is unlawfully, and with intent to

'defraud, to appropriate to the use of any person any property 'whatever, real or personal, in possession, or in action, so as to 'deprive any other person of any beneficial interest at law, or 'in equity, which he may have therein.' This definition would abolish multitudes of useless distinctions, and would concentrate the attention of the court and the jury, wholly and solely, on the really important part of the question considered in a moral point of view—that is, whether the prisoner had an intent to defraud, and whether, in pursuance of that intent, he did deprive the prosecutor of any beneficial interest in his property. The distinctions between larceny, embezzlement, false pretences, and criminal breaches of trust, disappear altogether. It is made a crime to steal land as well as money and things in action—that is rights not yet reduced into possession—as well as personal property, actually or constructively, in the possession of its owner. If this definition were once adopted, an immense simplification of the law might take place. We should be in a position to dispense with a number of statutes, all tacitly founded on this principle, but treating each case as if it were something new and distinct. It would have, moreover, a prospective efficacy, besides the merit that it has of consolidating the law, as it at present stands, into a single sentence. Hitherto, the definition of larceny has, as we have shown, lagged far behind the growing wants and complications of society. The definition would not only meet all the existing cases which it is at present thought right to punish, but would be ready, as it were, to encounter new forms of the offence as they arise, and being founded on a clear and well-understood principle, would probably abolish for ever that conflict which we have endeavoured to illustrate between the principle of the law and the actual scope of its enactments. It is an instance of a careful and well-considered generalisation, and points out the true road to a reform of the criminal law which was adopted, in the first instance, just five hundred years ago, by the Parliament of Edward III., and which has been allowed, ever since that time, to fall into neglect and oblivion. It is melancholy to see, in the so-called Consolidation Acts of 1861, how carefully the legislature has avoided the creation of those new definitions by which a consolidation, not of Acts, but of law, can alone be effected; and how servilely the compilers have felt it their duty to follow the blundering and piecemeal legislations of former times, and how much trouble has been taken to recapitulate a number of enactments capable of being classified under a few general heads, and only defensible on the ground that, in times past,

no other reform of the criminal law, than a fragmentary one, was possible.

We have indicated now, we trust with sufficient clearness, the course which should be adopted by the legislature, if anxious to effect a real and not a merely colourable improvement in this branch of jurisprudence. It is not so much that the law is bad, as that it is utterly undigested and dislocated, from the causes we have mentioned; and we are quite sure that even less labour and attention than has been applied to the consolidation of a number of fragmentary and illogical statutes would be found sufficient to present us with a system resting on a few clear and intelligible principles, and capable, as a system ought to be which affects the personal liberty, and perhaps the life of every one of us, of being understood and acted upon without any professional training. We have not left ourselves space to consider the excellent suggestions of Mr. Stephen with regard to the law of procedure and evidence, but one or two points we cannot pass over in silence. It is assumed by all writers on criminal law that an indictment is absolutely necessary for the purposes of the administration of justice, and yet it is very hard to understand what useful function an indictment can possibly discharge. It is generally said that its use is to inform the prisoner of what he is accused, and to preserve a record of the transaction, It appears to us that the indictment as we have it at present does neither one nor the other; it is far too technical to give any information to a prisoner, and far too general to preserve the characteristic features of the transaction investigated. What the prisoner wants to know is the offence of which he is accused; what the court wants to preserve is record of the charge and the evidence by which it is supported, The charge may be conveyed in very few words, as, for instance, 'you are accused of murder or theft,' and so forth; and the best information as to the ingredients of the offence will be derived by the depositions upon which the prisoner is committed. The Indian Law Commission has considered this question, and has devised a plan which appears at any rate to have met the wants of India, and may be worth consideration from jurists in this country. Whenever the magistrate considers that an offence has been proved against any prisoner, it is his duty to prepare a charge, stating the offence, and to call upon the prisoner at once to plead to it guilty or not guilty. The charge refers to the clause in the penal code, and does not require to set out the offence particularly, but only in general terms: it is the conclusion drawn by the magistrate from the facts proved before him on the depositions; full powers of amendment are given at the trial, so as

to make the charge correspond with the evidence. By this simple machinery, the necessity for an indictment is dispensed with, and one fertile source of chicanery is abolished, without, it should seem, in any way diminishing the amount of information given to the prisoner, or the accuracy of the record kept by the court.

If we except the single defect of not allowing the prisoner to be asked questions or be called upon to explain his conduct, we know no means which may fairly and reasonably be used for the investigation and ascertainment of truth which our criminal law can fairly be accused of neglecting. Up to 1848, it was the duty of the committing magistrates to examine the prisoner, and in several trials since the Revolution, held before Judges of the most unquestionable learning and humanity, the practice of calling the attention of the prisoner to portions of the evidence which seemed to press heavily upon him, was resorted to without hesitation and without objection. For a hundred and fifty years, however, this practice has been suffered to fall into desuetude, and is now entirely obsolete. We cannot help thinking that the practice ought in some shape, either in its original form of questions put to the prisoner by the judge, or, as proposed by Mr. Stephen, by the prosecuting counsel, to be revived. The object of a trial is, after all, the ascertainment of truth; and while we would earnestly deprecate the practice of endeavouring to obtain a confession, the rock on which all continental procedures, from the Inquisition down to the criminal law of modern France, have split, we can see no reason why a culprit should not be called on, in the face of day, and under circumstances which exclude the possibility of secret or undue influence or intimidation, to explain those circumstances which seem to bear most hardly upon him, subject, if he refuse to do so, to the unfavourable inference which silence under such circumstances must create. Nor would such a rule be by any means entirely against the prisoner. The persons who appear at the bar of our courts are generally poor and uneducated, they are bewildered and confused, and if a man be really innocent, no greater favour can be done him than to point out the facts which bear hardly upon him, and thus give him an opportunity of explaining them if he can, and assisting him to follow the chain of argument in the conclusion of which he is so deeply interested; if, on the other hand, the prisoner be guilty, he has no right to complain at a difficulty incident to his position and traceable to his own misconduct—the difficulty of adducing facts inconsistent with the theory of his guilt.

But while we are thus in favour of the examination of the prisoner within narrowly-defined limits, we are entirely averse to those processes by which on the Continent, and especially in France, it is sought to arrive at the truth. No doubt the true conception of a criminal trial is not that of a lawsuit between the prosecutor and the prisoner, but rather of an inquisition into a crime in which the public is primarily and the prosecutor only secondarily interested; but it does not follow, as seems to be assumed, that because a criminal trial is in its nature an inquisition, the process by which it is conducted should necessarily be inquisitorial. It may be, and we believe it is true, that the form of a lawsuit between the prosecutor and the culprit, into which every English trial is cast, is the very best form of inquisition in important cases; at any rate, the facts in England are brought out with a clearness and a fulness which may very fairly challenge comparison with any trials recorded on the Continent, embodying, as they do, results of months of painful investigation, conducted by the highest judicial authorities with a severity and an urgency which amounts to moral and sometimes to physical torture. When a crime is committed in France, the highest judicial authorities of the district place themselves in communication with the lesser authorities of the locality; these latter designate the person on whom their suspicions fall; that person is immediately arrested, subjected to close imprisonment, and kept in ignorance of the evidence which is obtained against him; he is frequently interrogated by the judge, and every one who has influence over him is employed to induce him to confess. Sometimes, as in the case of Rose Doise, such imprisonment is inflicted as to amount to absolute torture; the same process of imprisonment and interrogation is resorted to with suspicious or unwilling witnesses. It is no unfair criticism on French trials to say that their object seems rather to be to obtain a confession than to sift the facts to the uttermost. As soon as the arrest has been made and the instruction of the cause has fairly begun, the prisoner is really under the ban of the local authorities; people believe that they will get favour with the Government by giving evidence against him, and lose favour by giving evidence for him. His whole life, and that of the witnesses for him, is ripped up and ransacked by a vigilant and ever-present police; and, where this process has continued long enough, its results are resumed in an act of accusation, which is really the speech of a counsel for the prosecution, only taking much more latitude than is usual with us on such occasions. The case is then ready for trial, and with every wish to be impartial, it can hardly be

said that the presiding judges, who have been perhaps for months conducting this investigation, can be free from that bias which an hostile attitude to the prisoner so long maintained can hardly fail to create. The prisoner is examined in the presence of the jury by the judge with severity, and, we should say, with a want of candour, which would not be tolerated in England. It is a scene which has been often rehearsed before, and which is got up rather to influence the jury than to instruct or inform the court. We may add that the counsel for the prisoner is not allowed to cross-examine the witnesses. We confess that we infinitely prefer to the system above described the rough expedient of our ancestors, who believed, and assuredly not without sufficient reason, that there can be only one right way of inquiring into the truth; that, as far as proof goes, there is no distinction between the ascertainment of facts involving civil rights or criminal liabilities; and that the form of a contested suit which was found sufficient in one case would be equally satisfactory in the other.

While we have felt it our duty to comment thus strongly on the discreditable state of our criminal law, and the hopeless confusion in which it is left, we must not allow ourselves to be blinded by those gross and palpable faults of detail to the merits of a system the most just, the most humane, and upon the whole the most honourable to the country that invented it, which has ever existed in the world. It is only just also to an institution which has suffered much from being overpraised, and often for merits it does not possess, to say that we believe the distinctive merits of our criminal law may be almost entirely traced to the institution of trial by jury. Nothing is more remarkable than the contrast between the severity of the punishments which were imposed by the judges and the extreme mildness and fairness of the rules by which the investigations leading to those punishments were regulated. The law of evidence requiring the best proof, the exclusion of hearsay, the confining of the proof to the issue raised, and excluding irrelevant matters, is a humane contrivance obviously meant to protect the prisoner from oppression, and to prevent the jury from being led away by irrelevant topics thrown in to prejudice their minds. The limit up to which the arbitrary interpretation of statutes or the straining of the law against the prisoner could be carried, has always been determined, even in the worst times, by the point at which juries could not be prevailed upon to convict. The necessity of carrying with the court the opinion of twelve ordinary men chosen from the people, and, uninfluenced by professional prejudice, has mitigated the severity

of judge-made law and kept our courts of justice in some degree in harmony with the public opinion of the day. If the judges have constructed this goodly fabric, they have been, in so doing, in no small degree, though unconsciously to themselves, the agents and exponents of the opinion of the jury, whom they assume to direct, so that the principles of our law may fairly be said to be the result of popular good sense formularised and elaborated by the highest legal skill and acumen. It is not wonderful that such a system created, as occasion required, with reference to particular cases, should be wanting in symmetry, cohesion, and intelligibility. The rough results of popular good sense, however skilfully and however carefully recorded, will ever be so; but it is truly wonderful, and but for the abundant evidence that exists of the fact, would be absolutely incredible, that an enlightened and civilised age should be so careless of the valuable legacy thus bequeathed to it by the recorded and accumulated wisdom of the generations that have gone before it, as to neglect that slight amount of intellectual labour which would be required to bring order into this mass of confusion, and to make our law not only a reasonable and merciful, but a simple, rational, and intelligible system. The worst of it is, that while very considerable efforts have been made, and great expense has been incurred, to reform the criminal law, they have been mostly in a wrong direction; and while the leading fault of our law has been the want of a comprehensive and graduated scale of crime, the labours of our legislators have been directed to create and consolidate anomalies instead of removing them by getting rid of the cause which has created them—a logical classification and clear definition of offences.

ART. V. — *The Iliad of Homer.* Rendered into English Blank Verse. By EDWARD Earl of DERBY. London: 1864.

THE Chancellor of the University of Oxford not long ago established a peculiar claim to the highest academical dignity of the country by addressing the Heir Apparent in an oration of the purest Latinity; and he has now crowned a career of daring if not successful statesmanship, of splendid eloquence, and of the highest social distinction, by no mean conquest for English literature. So little were Lord Derby's literary powers known till very recently, beyond the circle of his immediate friends, that the world read with surprise, in Lord Ravensworth's translations of Horace, an Ode rendered with remarkable grace and spirit by the head of the Conservative party. Soon afterwards a volume privately printed revealed to a somewhat larger circle the elegant uses of Lord Derby's leisure hours; and as he has now himself alluded to this collection in the Preface to the work before us, we conceive that we may, without indiscretion, lay before our readers an exquisite version of the Ode of Catullus to the Sirmian promontory, which has certainly nothing to risk if it be transplanted from the parterre of society into the wider domain of criticism.

'Sirmio, fair eye of all the laughing isles
And jutting capes that rise from either main,
Or crown our inland waters, with glad smiles
Of heartfelt joy, I greet thee once again,
Scarce daring to believe mine eyes that see
No more Bithynia's plains, but fondly rest on thee.

'My own, my chosen Home! oh, what more blest
Than that sweet pause of troubles, when the mind
Flings off its burden, and when, long oppress'd
By cares abroad and foreign toil, we find
Our native home again, and rest our head
Once more upon our own, long-lost, long-wished-for bed!

'This, this alone o'erpays my ev'ry pain.
Hail! loveliest Sirmio! hail! with joy like mine
Receive thy happy lord! Thou liquid plain
Of Laria's lake, in sparkling welcome shine!
Put all your beauties forth! laugh out! be glad!
In universal smiles this day must all be clad.'

It will not, we trust, be taken as the disingenuous compliment of a political opponent if we express the pride and

pleasure we feel in these productions from a statesman of Lord Derby's eminent position. It is honourable to letters, it is honourable to English education, that notwithstanding the incessant calls of a great station, a great fortune, and a lofty ambition, time remains to him to complete such a task as the translation of the Iliad; and that (as we have seen in other instances) a life of uncommon activity in the arena of modern politics may be allied with an abiding devotion to the serene grandeur of antiquity. Lord Derby appears from his Preface to fear that in this country the taste for classical studies is on the decline. Classical studies can certainly no longer boast of the monopoly they once enjoyed, when they were the only canon of liberal education. But as long as the very first men in the country, such as the late Sir George C. Lewis, Mr. Gladstone, and Lord Derby are also reckoned among its first scholars—as long as their example and success reflect back a light upon the ancient sources of thought and eloquence, we cannot admit that the study of the classics in England has lost anything of its lustre.

It would be out of place on this occasion to revive the endless controversies which have raged for centuries on the authorship and the structure of the Homeric poems. Even the art of translating Homer is a subject which has been discussed to satiety in endless disquisitions and numerous volumes. The peculiar charm of the two great epics of the Greek heroic age—a 'fountain of beauty and delight which no man can 'ever drain dry'—lives on in spite of the critics and their rules. The great poems of Dante, Tasso, Spenser, Milton, exhibit that unity of plan and purpose which the strength of a single mighty mind cannot fail to impart. There is no such coherence in the Iliad. The poem which is to tell us of the wrath of Achilles and its inevitable train of overwhelming disasters, is interrupted by a narrative crowded with the successful exploits of chieftains who have lost all remembrance of the great hero of Phthia. There is, indeed, a marvellous climax; but the action of the drama is not uniformly sustained from the beginning to the end. The Father of gods and men, who had sworn with an oath to Thetis that he would straightway avenge the wrongs of her son, is found for a long season weighing down the balance in favour of his enemies. The dream, which is sent to strike dismay into the Achæan leaders, inspires them only with more resolute courage: yet these chieftains, in the full tide of success, shelter themselves on a sudden behind a rampart and a trench, merely, it would seem, because a way must be prepared for causeless

and inexplicable disaster. The tale thus pieced together carries us through a few scenes only of the great drama. Hector has fallen, but Ilion is not taken, and Paris, the seducer, still lives. The wrongs and the woes of Helen have not been avenged, and it remains for another poem to tell how Achilles met his early doom in the Western Gates by the spear of Paris. If the structure of the poem is not perfect, its manner is not always faultless. If many a scene is bathed in a flood of beauty and splendour, barren tracts and stony deserts not unfrequently come between them. Long catalogues of warriors are tortured into verse, to meet the necessities of oral tradition, and a crowd of the most exquisite similes precedes a list of names which poets in an age of written literature dismiss as rapidly as they can. The poem may throughout be written, as Mr. Matthew Arnold phrases it, in the grand style; but the grand style condescends to give us in language whose only merit is its simplicity many a primitive detail of cooking, bedmaking, and pharmacy. The critics have exhausted their ingenuity in the endeavour to discover the didactic purpose and ethical doctrines of Homer—a task in which we trust they never may succeed, for it would destroy half our pleasure in him. The attempt to do so has involved them in a maze of contradictions. In Dr. Arnold's opinion the unwearied self-sacrifice and true tenderness of the Trojan Hector stood out in overwhelming contrast with the selfish and implacable vindictiveness of Achilles. In Mr. Gladstone's eyes the cause of the latter is the cause of truth and righteousness, and evil triumphs openly until the wrongs of the son of Peleus are fully avenged. Before the tribunal of Colonel Mure, Hector is condemned as a savage barbarian, while the one object of the poet, we are told, is to show that Agamemnon and Achilles are equally foolish and equally in the wrong. To us, we acknowledge, that the beauty and interest of the Iliad lie neither in the minute analysis of its details, nor in any fanciful theory of its moral purpose, but in the monumental grandeur of a poem embracing the destinies of gods and men, and in a perfection of language almost incredible in the age to which it belongs.

For—if we may attempt to convey our general conception of the poem and its inspiring theme—there is an indescribable charm in the story of the hero, who, while he fought cheerfully in a quarrel which was not his own, knew well that he was soon to die far away from his father's house. The spell is upon us as soon as we look on that glorious form, armed with the spear which none else can wield, and endued

with a might which no enemy can withstand; yet stooping, like the invincible Heracles, before a master weaker and meaner than himself. With the images of fierce and vindictive passion are mingled images of indescribable tenderness and pathos. The shadow of premature death rests on the brightest of these bright heroes. Zeus himself seeks in vain from the inexorable Hera a respite for his son Sarpedon, and his tears fall in rain-drops from the sky when the brave Lycian chieftain is smitten by the spear of Patroclus. But Patroclus too must die, and the tidings of his death waken in the heart of Achilles a thirst for vengeance, and a longing for instant action which no sense of duty, no passionate entreaties, could ever have roused. Once more his glance strikes terror into his enemies: once more his voice rings like the trumpet of doom. There shall be a fearful mourning for his dead friend. But if he still grasps the invincible spear, his armour clothes the body of Hector. What is it to him that his own death must soon follow that of his great enemy? There is but one work for him to do; and at his bidding his mother hastens to bring him armour yet more brilliant, from that far Eastern land at the rising of the sun. The day of the great vengeance has come. The old injury is atoned for and forgotten. Once more, as he arms himself for the slaughter, a column of light flashes up to the heaven and the earth laughs beneath the splendour. His shield flashes like the blood-red moon; his helmet glitters like a star. A crowd of dazzling images is lavished by the poet on this wonderful scene as from an inexhaustible store-house. Each hair in the plume which waves over his head flames like burnished gold: when the hero makes trial of his armour it bears him like a bird upon the wing. In the midst of all this splendour the old warning comes again. When he bids his immortal steeds bear him safely through the battle, the horse Xanthus bows his head and tells him of the coming end. They are still as fleet as ever. The rays of the sun cannot shoot across the sky more swiftly than they will bear his chariot across the plain; but the necessity which orders all things is stronger and swifter still. At length the victory is won: the son of Peleus has trampled on the body of his enemy, as the blood-red sun tramples on the masses of vapours which he scatters at his setting. His wrath is over, and his face wears its old look of genial brightness. But although the dark shadow falls on it again as the aged Priam begs the body of his son, the consciousness of his own approaching death imparts in a moment a touch of exceeding softness to his imperious vehemence, and his tears are mingled with those of

Priam. The poet's task was done. He had woven together a marvellous chaplet from a long line of 'lost adventures out of 'the darkness of the past.' His hero had conquered like the sun when he goes forth in his strength; and he was content to leave him in the hour of his triumph, gladdening the hearts of his friends by his kindliness, and winning those of his enemies by his princely generosity.

We frankly confess that, in our judgment, the Homeric scholiasts and commentators are the bane of Homer; and that the attempt to convert these noble poems into a subject for archæological dissection is to destroy them. Therefore we place very far above all such analysis, however curious and instructive, the work of a man who gives to the English reader some approach to the pleasure which Homer affords to those who are most familiar with his original diction. The merits of Lord Derby's translation may be summed up in one word—it is eminently *attractive;* it is instinct with life; it may be read with fervent interest; and though it does not rival Pope in the charms of versification, it is immeasurably nearer than Pope to the text of the original. If we ask ourselves whence these qualities are derived, we suspect it is from the living interest and individuality Lord Derby has thrown into his work. Cowper was a more perfect master of English blank verse than Lord Derby, yet his translation of Homer is cold and repulsive; and of the numerous experiments which have been made in our own time, not one could support the ordeal of a second reading. We think that Lord Derby's translation will not only be read, but read over and over again. If that be so, it will endure. We say that Lord Derby has thrown life into his work. It is not a cast, but a copy, and a copy wrought with spirit and genius, and whatever is done with true spirit and genius bears in it something of the mind it springs from. Thus it is that we are continually reminded, in reading this translation, of the turns of expression, and even the modulations of voice, which characterise Lord Derby's own oratory. It is Homer, but Homer recited by Lord Derby, and in tones extremely familiar to us. Indeed, we are convinced that Lord Derby's command of the sister arts of eloquence and elocution has, perhaps unconsciously to himself, given to this poetical work its distinguishing merit. Mr. Arnold has with truth remarked that the first quality of Homer is that he is *rapid:* he flows directly and swiftly onwards, whether it be in simple narrative or in passages of deep emotion. The laborious inversions and the suspended rhythm of English blank verse are not only unknown, but utterly repugnant, to the Greek rhap-

sodist. This flowing style, as if the poet poured his descant without once drawing breath, is precisely what Lord Derby has caught so happily. Anyone who attempts to read this version aloud will at once perceive how easily 'the numbers 'came.' The Homeric hexameters have an independence wholly foreign to the more complicated hexameters of Virgil; and the sequence of ideas is kept so distinct, that one is commonly dismissed before the next is introduced: but harsh involutions give to Cowper's translation a stiff and stilted character, from which Lord Derby's version is wholly free. It is one of the first duties of a translator to construct his sentences as closely after the manner of the original as the idiom of another language will permit: but the intricate syntax and inverted constructions of Cowper are not suggested by anything in the style of Homer, and Lord Derby has happily retained in his verses that lucidity and simplicity of arrangement which make him so clear and captivating as an orator. He has also employed many of those artifices of language which give emphasis to his speeches. Sometimes, indeed, these artifices are not strictly defensible in a translator. Thus to take the very first words of the Iliad:—

> 'Of Peleus' son, Achilles, sing oh! Muse,
> The vengeance deep and deadly.'

Every translator before Lord Derby had sung of the *wrath* of Achilles: with a disposition to give intensity and expression, and a taste for alliteration which is not in very good taste, he makes the Μῆνιν οὐλομένην '*the vengeance deep and* '*deadly.*' Prosody would have been satisfied with the word *anger;* but the terms chosen by Lord Derby, though not certainly identical with those of the original, have the virtue of biting on the English ear. So, too, in numerous passages he has given extreme force and edge to the verse by forms of language more common in our elder dramatists than in our epic poets. Perhaps it is because he writes like an orator that Lord Derby allows no competitor to challenge the claims of the heroic blank verse; and so far as it regards the Iliad, we are not disposed to quarrel with his judgment. But if Mr. Worsley, whose translation of the Odyssey we noticed in a former Number*, has failed to reproduce the language of Homer with rigid precision, he has shown how well the Spenserian stanza may serve to imbue the merely English reader with the true Homeric spirit. The adoption of any

* Ed. Review, No. 240: April 1863.

rhyming metre involves the danger of undue amplification, and the still more mischievous temptation to introduce modern sentiment. But if the many forms of metre, Spenserian, Hexameter, Hendecasyllabic, chosen by Mr. Worsley, Dean Alford and others, may leave us in some doubt as to the metre best fitted for a version of the Odyssey, the more general consent of translators has given a preference to blank verse for the Iliad. We therefore hope that we have seen the last of Homeric translations in hexameters, which are hexameters only in name. The anapæstic jingle which runs through them all, carries with it its own condemnation: the rhymed heroic metre involves an amount of amplification to which the requirements of the Spenserian stanza are as nothing.

With reference to this class of rhymed versions of Homer, Mr. Gladstone's translation of the First Book of the Iliad into the trochaic metre, of fifteen syllables to the line, raises some new questions: but it is confessedly an experiment which must be carried out on a larger scale before these questions can be conclusively answered. The metre is admirably suited to the English language; and Mr. Gladstone handles it with not a little of the force and skill which Mr. Tennyson exhibits in 'Locksley Hall:' but a metre which is magnificent in a ballad may become monotonous and cumbersome in an epic poem. His version is both vigorous and musical, but in the short compass of a few hundred lines it betrays some of the worst faults of all rhyming translation. To meet the demands of the metre, Mr. Gladstone has been obliged not merely to amplify but to invent new facts. Chryses *listens to* the roar of the sea, instead of walking along the beach; the Achæans *see* the sails filling with the wind, and *hear* the boom of the waves as they dash against the sides of the ship. Apollo sweeps along, not like night, but like the nightfall; and this is not the idea expressed by the words *νυκτὶ ἐοικώς*. The morning is said (477) to dawn *upon the coast*, merely because Odysseus and his companions are returning 'to the great Achæan host.' When Phœbus shoots his dart, a whole clause is inserted to make up the couplet:—

'Loudly clanged the bow of silver, *as the bitter arrows shot.*'

A graver objection arises from the un-Homeric air thus thrown over many passages of the poem. There is something almost grotesque in the notion of the ambrosial locks 'starting from 'the temples' of Zeus, when he bows his head in assent to the prayer of Thetis. The poet, it is true, says that Olympus was shaken, but he does not say that the mountain 'reel'd beneath

'him, *root and summit, rock and sod.*' Blank verse is not likely to betray a translator into exaggerations, which, almost more than mere inaccuracies, are likely to give the English reader a false idea of the original. The capabilities of English blank verse are great; the objections which may be urged against it are, in comparison, trifling. We therefore agree with Lord Derby in his choice of a metre; and we think that for the purpose of translating Homer he has adopted a style of peculiar excellence.

But on another disputed point we entertain considerable doubt of the wisdom of his decision. It is certainly a concession—and a hard concession—to the inferior taste and scholarship of former times, and to the habits of diction still current in this country, to have retained the Latin names of the Homeric divinities, and still more those of the tribes and races mentioned in the Iliad, in preference to their true and original designations. The practice of arriving at the Greek language and mythology *through* the Latin, which has prevailed for so many ages, renders many of the Greek names unfamiliar to a modern eye. Hera, Ares, and Hephæstus are not the Juno, Mars, and Vulcan of our youth; and when Mr. Grote in his history rightly restored to these beings their proper appellations (which frequently have an important philological significance), he incurred some charge of pedantry. There is a point, difficult to hit or to avoid, at which a man who sets everybody else right, and declares war on established usage, however ridiculous it may be, becomes a pedant: that is, until he has brought other people round to his opinion. Upon the whole, however, we could wish that Lord Derby had made the experiment, as Mr. Worsley has done with success in his translation of the 'Odyssey.' By a happy inconsistency he has preserved the Greek Hermes and Pallas in place of the Latin Mercury and Minerva: Aphrodite is a more poetical name than Venus, Zeus than Jupiter, and with the aid of the best writers and scholars, the mythological terminology of Greece might gradually be brought back to the true standard. Indeed some progress has already been made in the right direction at the Universities.

We now proceed to introduce to the reader some specimens of Lord Derby's performance, and we shall do so in the way of comparison with similar passages from the translation of Mr. Wright, and a short fragment recently published by the Poet Laureate. In Mr. Wright's version, as in that of Lord Derby, there is great force, beauty, and pathos. His fidelity to the original is on the whole more strict: but Lord Derby's

translation is more equable, and far more free from words and sentences which have nothing but metre to distinguish them from flat and insipid prose. Such phrases in Mr. Wright's Iliad constantly break the flow of passages in which everything depends on perfect smoothness as well as sustained vigour. Thus the outburst of passion, in which the pent-up wrath of Achilles finds utterance, becomes by comparison tame under Mr. Wright's treatment:—

> 'O clothed with insolence, rapacious chief,
> What Greek henceforth will prompt obedience yield,
> March at thy word, or strenuous urge the fight?
> I came not to avenge a private wrong.
> I have no quarrel with the Trojans: they
> Ne'er drove away or herds or steeds of mine,
> Nor roamed injurious o'er my fruitful fields
> In fertile Phthia, for between us lie
> Far-shadowing mountains and the roaring sea.
> Thy cause espousing, and at thy behest
> We came to Troy, O most unblushing chief,
> Not on our own behalf, but to redress
> Wrongs suffered by thy brother and by thee,
> Thou dog in shamelessness.'
>
> (Wright's Iliad.)

The lines of Lord Derby not only have more force and beauty, but they are altogether more true to the original:—

> 'Oh! clothed in shamelessness! oh, sordid soul,
> How canst thou hope that any Greek for thee
> Will brave the toils of travel or of war?
> Well dost thou know that 'twas no feud of mine
> With Troy's brave sons that brought me here in arms;
> They never did me wrong: they never drove
> My cattle or my horses; never sought
> In Phthia's fertile, life-sustaining fields
> To waste the crops; for wide between us lay
> The shadowy mountains and the roaring sea.
> With thee, O void of shame! with thee we sailed,
> For Menelaüs and for thee, ingrate,
> Glory and fame on Trojan crests to win.' (Bk. i. l. 188.)

The sordidness of Agamemnon's soul has vanished from Mr. Wright's version, while a single image has taken the place of the far more beautiful, because more indefinite, epithet which Lord Derby has carefully preserved in his shadowy mountains. Here, as in Homer, we have the vagueness which brings before the mind not only the long shadows cast by the everlasting hills on the plains which lie stretched at their feet, but the shade which sleeps beneath the deep forest or in the

dells which the sun has never pierced, the interchange of light and darkness on the rugged mountain sides, or the mantle of mist which wraps their forms in unearthly majesty.

Lord Derby has rightly felt that in an attempt to reproduce the great epic of Homer, there must be some amplification, and some little insertion of new matter. We do not care, therefore, to notice slight changes or inaccuracies. Achilles may not perhaps say to Agamemnon—

> 'To Phthia now I go: so better far
> To steer my homeward course and leave thee here
> Dishonoured as *thou art, nor like,* I deem,
> To fill thy coffers with the spoils of war.'

Nor has Homer all that Lord Derby puts into the reply of Agamemnon—

> 'Fly then, if such thy mind! I ask thee not
> On my account to stay; others there are
> Will *guard* my honour *and avenge my cause.*'
> (Bk. i. l. 207.)

But if Lord Derby amplifies rather more largely than Mr. Wright, the balance is struck by a corresponding gain in smoothness, vigour, and true poetic beauty.

We are conscious of doing Lord Derby some injustice by thus taking a mere fragment from his text. Let us rather turn to the exquisite passage in which, with all the simplicity of the Homeric poet, Andromache tells the tale of her early sorrows, and with all his tenderness Hector seeks to comfort her:—

> 'Think not, dear wife, that by such thoughts as these
> My heart has ne'er been wrung; but I should blush
> To face the men and long-robed dames of Troy,
> If like a coward I could shun the fight.
> Nor could my soul the lessons of my youth
> So far forget, whose boast it still has been
> In the fore front of battle to be found,
> Charged with my father's glory and mine own.
> Yet in my inmost soul too well I know,
> The day must come when this our sacred Troy
> And Priam's race and Priam's royal self
> Shall in one common ruin be o'erthrown.
> But not the thoughts of Troy's impending fate,
> Nor Hecuba's, nor royal Priam's woes,
> Nor loss of brethren, numerous and brave,
> By hostile hands laid prostrate in the dust,
> So deeply wring my heart as thoughts of thee,
> Thy days of freedom lost.' (Bk. vi. l. 528.)

A better ground of comparison is furnished by a passage

from Homer, which Mr. Tennyson has inserted in the appendix to his latest volume of poems. These lines of the Poet Laureate have a stamp of individuality and power upon them which belong to the highest order of genius:—

> 'So Hector said, and sea-like roared his host.
> Then loosed their sweating horses from the yoke,
> And each beside his chariot bound his own:
> And oxen from the city, and goodly sheep
> In haste they drove, and honey-hearted wine
> And bread from out the houses brought, and heaped
> Their firewood, and the winds from off the plain
> Rolled the rich savour far into the heaven.
> And these all night upon the bridge of war
> Sat glorying; many a fire before them blazed,
> As when in heaven the stars about the moon
> Look beautiful, when all the winds are laid,
> And every height comes out, and jutting peak,
> And valley, and the immeasurable heavens
> Break open to their highest, and all the stars
> Shine, and the shepherd gladdens in his heart.
> So many a fire between the ships and stream
> Of Xanthus blazed, before the towers of Troy,
> A thousand on the plain; and close by each
> Sat fifty in the blaze of burning fire:
> And champing golden grain, the horses stood,
> Hard by their chariots, waiting for the dawn.'

With such a translation we do not willingly find fault. If by comparing the roar of the Trojan host to that of the sea Mr. Tennyson has introduced what is not here in the original, the comparison may be found elsewhere. If the beautiful look of the stars scarcely brings out the force of the Greek epithet *ἀριπρεπέα*, if the intransitive use of the verb 'gladden' is peculiar, and if the bridge (or ridge) of war is a somewhat obscure phrase*, it is but fair to admit that such blemishes are not easily avoided. The lines of Pope may be very fine; but if Mr. Tennyson's motes are to be closely scrutinised, Pope

* Lord Derby is, we think, more happy in rendering it 'the pass of war.' Mr. Norgate, in another recent translation, which is strangely unreadable, has given the true meaning, but with his usual ruggedness he speaks of 'the gangways of the battle.' It is quite a mistake to suppose, as some critics of Lord Derby's translation have supposed, that *πόλεμοιο γέφυραι* is a proverbial phrase in Homer for the thickest of the fight. The war rages on either side, but the space beneath the bridge answers to the water which separates two pieces of land. This is self-evident on comparing the present passage with Il. iv. 371.

can scarcely be admitted to a hearing. Homer says nothing in this place of the moon as a 'refulgent lamp of night' or of 'vivid planets' (by an astronomy quite as incomprehensible to himself as to us) 'rolling round her throne;' we look in vain for the 'yellower verdure shed over the dark trees,' or for 'the 'conscious swain' blessing 'the useful light' which comes from the blue vault of heaven. The version given by Mr. Arnold* of part of this passage can only serve to warn others from the rocks on which, in spite of his appreciation of Homer and his perfectly pure English, he has nevertheless made shipwreck; and the following translation by Mr. Wright, though better, is but feeble :—

'All night upon the field the Trojans sate,
Proudly elate, their watchfires blazing near,
As when in heaven around the silver moon
Bright shine the stars, and every wind is hushed,
When pointed rock, high crag, and distant wood
Stand out revealed; and opening from beneath
The immeasurable ether bursts to view,
And all the stars are seen; and gladness fills
The shepherd's heart; so, lit by Trojan hands,
In front of Ilion, glowed full many a fire
Between the stream of Xanthus and the ships.
There on the plain a thousand watchfires blazed,
And in the light of every burning pile
Sate fifty men, while near the chariots stood
Their coursers, champing barley and white oats,
Till rose the orient Morn on golden throne.'

Compare, for example, in the first two lines of the passage; the words, 'Sate upon the field,' 'proudly elate,' with Tennyson's grand expression, 'Upon the bridge of war' 'sat 'glorying.'

The secret of true poetic diction is to give an imperishable stamp and visible character to each scene. Lord Derby's line,—

'Full of proud hopes, upon the pass of war,
All night they camped,'

is less concentrated than Mr. Tennyson's, but perhaps more accurate and intelligible.

We add the whole passage, which is wonderfully fine, in Lord Derby's words. We only regret that in the last line he has missed the 'champing golden grain,' and only tethered the horses beside the chariots:—

* Lectures on Homer, p. 93.

'Thus Hector spoke; the Trojans shouted loud,
Then from the yoke the sweating steeds they loosed,
And tethered each beside their several cars.
Next from the city speedily they brought
Oxen and sheep, the luscious wine procured,
Brought bread from out their houses, and good store
Of fuel gathered. Wafted from the plain
The winds to heaven the savoury odours bore.
Full of proud hopes, upon the pass of war
All night they camped, and frequent blazed their fires.
As when in heaven around the glittering moon
The stars shine bright amid the breathless air,
And every crag and every jutting peak
Stands boldly forth, and every forest glade.
Ev'n to the gates of heaven is opened wide
The boundless sky; shines each particular star
Distinct; joy fills the gazing shepherd's heart;
So bright, so thickly scattered o'er the plain
Before the walls of Troy, between the ships
And Xanthus' stream, the Trojans' watchfires blazed.
A thousand fires burnt brightly, and round each
Sat fifty warriors in the ruddy glare;
With store of provender before them laid,
Barley and rye, the tethered horses stood
Beside the cars, and waited for the morn.' (Bk. viii. l. 643.)

Lord Derby has rightly avoided any comparison of the Trojan host to the sea, and the particular distinction of each star brings out the full force of *ἀριπρεπέα*. If he has failed to render exactly the words which tell of the sudden clearing of the sky, his failure is shared by Mr. Tennyson and Mr. Wright, while Mr. Norgate's usual ruggedness neutralises the effect of his accuracy.

Not a few among the readers of this translation may be tempted to think that Lord Derby's care has been chiefly devoted to a finished rendering of the Homeric similes; but that his happiest efforts are not confined to such passages is amply proved by the truly splendid lines which describe the onset of Hector on the defences of the Achæans with the huge rock in his hands, at the close of the twelfth Book of the Iliad:—

'Close to the gate he stood, and planting firm
His foot to give his arm its utmost power,
Full on the middle dashed the mighty mass.
The hinges both gave way: the ponderous stone
Fell inwards: widely gap'd the opening gates;
Nor might the bars within the blow sustain:
This way and that the severed portals flew
Before the crashing missile. Dark as night
His lowering brow, great Hector sprang within;

Bright flashed the brazen armour on his breast,
As through the gates, two jav'lins in his hand,
He sprang: the gods except, no power might meet
That onset; blazed his eyes with lurid fire.
Then to the Trojans, turning to the throng,
He called aloud to scale the lofty wall.'

No doubt even here it would be possible to fasten on a few expressions which do not strictly represent those of the original. Homer speaks of Hector not as wishing to give his arm its utmost power, but as anxious that his weapon should not fall short of its mark, and again he describes the hinges not merely as giving way, but as torn off by the force of the blow. But these are really no defects, while the lines bring before us the marvellous succession of terrific images, each heightening the effect of that which has gone before, until we feel that no other English translation has thus enabled us to enter into the full spirit of Homer himself.

Of all the splendid incidents in the Iliad few are more magnificent than the arming of Achilles: and the original has lost little of its power, its grace, and its beauty in Lord Derby's hands:—

'Thick as the snow-flakes that from heaven descend
Before the sky-born Boreas' chilling blast,
So thick outpouring from the ships, the stream
Of helmets polished bright, and bossy shields
And breastplates firmly brac'd, and ashen spears:
Their brightness flashed to heaven, and laughed the earth
Beneath the brazen glare. Loud rang the tramp
Of armèd men, Achilles in the midst,
The godlike chief, in dazzling arms arrayed.
His teeth were gnashing audibly: his eye
Blazed with the light of fire; but in his heart
Was grief unbearable.'

The breastplate wrought by Hephæstus in the far-off Eastern land covers his broad chest; his silver-studded sword is flung over his shoulder. From his vast shield there gleams

'A light refulgent as the full orbed moon;
Or as to seamen o'er the wave is borne
The watch-fire's light, which high among the hills
Some shepherd kindles in his lonely fold,
As they reluctant by the stormy winds
Far from their friends are o'er the waters driven.
So from Achilles' shield bright, richly wrought,
The light was thrown. The weighty helm he raised
And placed it on his head; the plumèd helm
Shone like a star, and waved the hairs of gold,
Thick set by Vulcan in the gleaming crest.

Then all the arms Achilles proved, to know
If well they fitted to his graceful limbs.
Like wings they seemed to lift him from the ground.'
(Bk. xix. l. 432.)

In the struggle which immediately follows, gods and men, powers human and superhuman, are mingled together in one wild turmoil. In Mr. Grote's judgment the idea of such a conflict led the poet to indulge in fantastic conceptions which are either bewildering or oppressive: but there is a point of view from which this mighty battle becomes the most wonderful portion of the Iliad, and throws a singular light on the origin of the poem. But the uncouthness of the images, if uncouth they be, nowhere breaks the even flow and sustained vigour of Lord Derby's translation. From the struggle, in which the river complains that his 'lovely stream is filled with 'dead, and cannot pour its current to the sea,' we are carried to the last fight, at the close of which we see Achilles trampling on the corpse of the bravest and best of all the Ilian heroes:—

'Loose hung his glossy hair, and in the dust
Was laid that noble head, so graceful once,'

while, hoping against hope, his wife Andromache was making ready for his victorious return. The sudden rush of footsteps, and the sounds of irrepressible grief, rouse her fears:—

'Then from the house she rushed like one distract,
With beating heart; and with her went her maids;
But when the tower she reached, where stood the crowd,
And mounted on the wall and looked around,
And saw the body trailing in the dust,
Which the fleet steeds were dragging to the ships,
A sudden darkness overspread her eyes.
Backward she fell, and gasped her spirit away.
Far off were flung the adornments of her head,
The net, the fillet, and the woven bands.' (Bk. xxii. l. 550.)

The closing scenes of the poem are rendered with great beauty. The victory of Achilles is achieved: but his very success only makes him feel the more how vain a thing is the life of mortal man. His own heart is full of grief, grief for the loss of his friend, grief for his kinsfolk who must soon bemoan him at home; but before him kneels a weak and aged man smitten down with an anguish deeper still. Moved by a generous impulse,

'He rose, and with his hand the aged sire
He raised, and thus with gentle words addressed:
"Alas! what sorrows, poor old man, are thine?

How could'st thou venture to the Grecian ships
Alone, and to the presence of the man
Whose hand hath slain so many of thy sons,
Many and brave? An iron heart is thine;
But sit thou on this seat; and in our hearts,
Though filled with grief, let us that grief suppress.
For woful lamentation nought avails.
Such is the thread the Gods for mortals spin."' (xxiv. 613.)

So but a little while after the last rites had been paid to the body of Patroclus, the chieftains of Ilion gather round the funeral pile of Hector. Priam is there, and Hecuba, and Andromache, and Paris, the cause of all their grief and ruin: but yet another stood near, with a heart riven by a more biting pain,

'The daughter of the gods, divinely tall,
And most divinely fair.'

It was meet that the lay of Ilion should close with parting words of love from her whose fatal gift of beauty had deluged the earth with blood:—

'Hector, of all my brethren dearest thou!
True, godlike Paris claims me as his wife,
Who bore me hither. Would I then had died!
But twenty years have passed, since here I came,
And left my native land; yet ne'er from thee
I heard one scornful, one degrading word;
And when from others I have borne reproach,
Thy brothers, sisters, or thy brothers' wives,
Or mother (for thy sire was ever kind,
Ev'n as a father,) thou hast checked them still
With tender feeling and with gentle words.'

We have followed Lord Derby through some portions of a poem which the judgment of the ancient and the modern world pronounces the finest epic ever written, and we do not hesitate to say that his translation is one which conveys no unworthy or inadequate idea of the original. Its great merit is, as we observed in commencing these remarks, that it can be read with pleasure; and although the matchless art with which Pope handled the heroic couplet makes his translation of the Homeric poems unapproachable in its own form, yet Lord Derby has given to England a version far more closely allied to the original and superior to any that has yet been attempted in the blank verse of our language. We hope that restored health and continued leisure may induce him to turn for further recreation to the charming pages of the 'Odyssey,' and that in two or three years more he may complete a task which deserves to give him a lasting place in our literature.

ART. VI.—1. *A Collection of the Judgments of the Privy Council in Cases of Doctrine and Discipline, from* 1840 *to* 1864; *with an Historical Account of the Appellate Jurisdiction of the Church of England, prepared under the direction of the Bishop of London.* By the Hon. GEORGE C. BRODRICK, Barrister-at-law, and Fellow of Merton College; and the Rev. W. H. FREMANTLE, Chaplain to the Bishop of London, and late Fellow of All Souls College. London: 1865.

2. *The Crown in Council on Essays and Reviews, in a Letter to an Anglican Friend.* By HENRY EDWARD MANNING, D.D. London: 1864.

3. *The Convocation and the Crown in Council, a Second Letter to an Anglican Friend.* By HENRY EDWARD MANNING, D.D. London: 1864.

THE starting point of the Reformation of the Church in England was an ecclesiastical appeal; and the first result of that great revolution was to transfer the jurisdiction over an ecclesiastical suit from a sacerdotal tribunal to the authority of the Crown. Nor was the occasion unworthy of the effect. For what question could better stir the minds of men than the constitution of that Court, whose supreme decisions governed not only their marriages and their wills, but their consciences and their religious rights? What jurisdiction could be more solemn than that of the mediæval Church, whose sanction lay not only in the infliction of temporal penalties, but in the punishment and excommunion of the soul of man? The mere indication of what that jurisdiction once was suffices to mark the contrast between the Ecclesiastical Courts of the sixteenth and of the nineteenth centuries. The matrimonial and testamentary branches of their ancient authority are at length transferred to the Queen's Judges; and although they still retain the power of entertaining suits for the subtraction of church rate and the correction of clerks, decrees enforced by ecclesiastical censures alone would be idle weapons if they were not backed by a control over the temporalities of the Establishment. In these suits it may, and does, occasionally, happen that the doctrines preached or the ceremonies used by the ministers of the Church are judicially examined. The Ecclesiastical Court is still the base on which the discipline of the Church rests,

and the headship and supremacy of the Queen over the Church in England means that the Crown, in its capacity of superior Appellate Judge, is the head and source of the law which pervades the whole ecclesiastical body. In the remarkable correspondence between the Bishop of Exeter and Lord Macaulay on certain statements affecting the Church of England, that prelate (himself no mean authority) quoted from 'Bonner's Commission' the declaration that all *jurisdiction*, spiritual as well as temporal, is derived from the king alone. 'Why so the Church of England,' he adds, 'as well as the 'Statute Law of England, says likewise; so I say, so every 'Church of England man (not Presbyterian nor Congregation-'alist) says. But what is the meaning of *jurisdiction* in this 'place? It is, as the document itself calls it, *jurisdicendi auto-'ritas:* in other words, the power of pronouncing judgment *in 'foro exteriori*, coactive judgments, having effects recognised 'by temporal law. This depends always on the temporal power.' We are happy to agree with so able and uncompromising a Churchman in this principle which is the basis of our argument.

Nevertheless a cry has been raised by a party or fraction of the clergy, dissatisfied with a recent decision of the Supreme Court of Appeal in Ecclesiastical causes, and eager to make that decision the ground of an attack upon the constitution of the tribunal. This cry has been re-echoed by a party in the State, excited apparently by the Tory influence of Oxford, and not less eager to find a pretext for a demonstration against the Queen's Government. The injustice and absurdity of this complaint are the more striking inasmuch as the same tribunal has within the last few years, in the administration of the high powers confided to it, shown no favour whatever to any particular set of opinions. In causing Mr. Gorham to be instituted to his benefice, it conceded a much-desired liberty of opinion to the Evangelical clergy. In restoring most of the ecclesiastical decorations, and especially the Cross, to the Church of St. Barnabas, it indulged the ecclesiological tastes of high churchmen. It condemned Mr. Heath and deprived him of his living for advisedly maintaining doctrines repugnant to the Book of Common Prayer; but it reversed the sentence suspending Mr. Wilson and Dr. Williams for a year from their clerical functions, because it failed to discover in their writings those violations of the Law of the Church which were charged against them. It is evident that in these decisions no man can fairly trace any disposition to exalt one set of opinions at the expense of another set; and that the only principle common

to all these decisions is that the LAW is in this country and in the Church of England paramount to all opinions whatsoever, and that all opinions may be freely entertained and professed unless they are repugnant to the positive law of the Church in its Formularies and its Articles. Dr. Manning expresses astonishment in one of his recent letters at a passage, conceived in this spirit, in an article lately published in this Journal, and suspects us of concealed irony. But Dr. Manning seems to have forgotten the first principles of the Church to which he once belonged, in his zeal for that which he has adopted. He desires, and thinks he has found, a Church of absolute infallibility and unity, which he affirms to be '*inhabited by* '*a Divine Person;*' and he adds, 'my faith depends upon *the* '*veracity of a Divine Person* guiding me with his presence.' (*Second Letter*, p. 37.) The Church of England, on the contrary, holding that divers Churches have erred, and that General Councils (being assemblies of men) are liable to error, claims no infallibility, and therefore no absolute certainty, on nice and disputable points. She has avowedly and designedly left these open by her Articles, and she looks to the authority of her Courts, not to decide them peremptorily in one sense or another, but to secure to the members of the Church the greatest latitude of interpretation and opinion consistent with union in essentials. The theory of the Church of England being in this respect opposed to the theory of the Church of Rome, it is idle in Dr. Manning to taunt the Church of England with her inability to apply a strict rule of faith, which it is the essence of Protestantism to deny and repudiate. Unhappily, this notion of freedom of opinion bounded only by law, and by law framed in a comprehensive and liberal spirit, is extremely unpalateable to the clerical mind. Every sect in the Church lays claim to the possession of absolute truth, and supports with impatience the latitude of construction conceded to its antagonists, even though it stand in need of an equal breadth of interpretation to support its own doctrines.

The great fact remains that the English Reformation consisted before all things in the transfer of the highest judicial authority in the Church from the sacerdotal order to the Crown of England. If we are not greatly mistaken this is the true subject of complaint against which these numerous pastorals, pamphlets, circulars, and petitions are directed. The Crown exercises and has exercised its undoubted ecclesiastical authority as it exercises all its other powers, by the advice of a certain number of its sworn councillors, some being the chief dignitaries of the Church, others the great luminaries of the

law. But when it is found that the result of this inquiry is not to procure the condemnation of one or two obnoxious persons, but to secure a larger amount of liberty to all, the constitution of the tribunal itself is assailed, the nature of its proceedings is misrepresented, and, to our inexpressible astonishment, a claim is put forward to transfer the superior judicial authority over ecclesiastical questions from civil to spiritual judges, from lawyers to priests, and from the Crown to the Church. It is scarcely necessary to do more than to state this proposition to show its flagrant inconsistency with the principles of the Church of England for three centuries. If the people of England required a spiritual judge of their opinions and writings, they had one in the Pope, who boasts of infallibility; but when they threw off the Papal yoke, they placed themselves and their Church under the protection of the law. It is no slight praise of the wisdom of those laws that for three hundred years they have undergone no important change, and that even now it may well be questioned whether any change could be made in them with advantage. So jealous were the founders of our ecclesiastical polity of anything like an exclusive ecclesiastical jurisdiction, that they deprived Convocation of the power of legislating for the Church by canons without the express license of the king; and when Wentworth was asked by Archbishop Parker why the House of Commons of Elizabeth had put out of the book the Articles for the homilies, consecration of bishops, and suchlike, the prelate adding, 'Surely you mistake the matter; you will 'refer yourselves wholly to us therein,' Wentworth replied, in the true spirit of an English layman, 'No, by the faith I 'bear to God, we will pass nothing before we understand what 'it is; for that were but to make you Popes; make you Popes 'who list, for we will make you none. And sure, Mr. Speaker,' added the fearless orator, 'the speech seemed to me to be a 'prophetic speech, and I fear least our bishops do attribute 'this of the Pope's canons unto themselves, *Papa non potest 'errare.*' *

The discussions which have recently taken place on the constitution of the Court of Final Appeal clearly disclose similar pretensions. Mr. Keble, who may be taken as a representative of the clerical party, does not pretend that the laws or articles of the Church of England have either defined the doctrine of the inspiration of the Scriptures or condemned the

* Strype's Life of Parker, p. 394. Hallam's Constitutional History, vol. i. p. 192, ed. 1846.

opinion of the ultimate salvation of mankind. He admits, therefore, implicitly that a Court professing only to administer the existing law of the Church of England could only arrive at the conclusions adopted by the Judicial Committee. But he adds that 'the Church is governed by common as well as by statute 'law, to be gathered, as the common law of the realm is gathered, 'from diligent study of its records, from the proceedings of its 'Courts, &c.;' and by this common law of the universal Church Mr. Keble holds that 'the canonical Scriptures are not 'only to a word but to a jot or tittle all equally true, because 'they are all alike God's word;' and he further holds that the doctrine of never-ending punishment was the doctrine of the universal Church from the beginning, re-affirmed by the Fifth General Council, which condemned the opinions of Origen.*

Is it possible that Mr. Keble and the estimable but unreasoning enthusiasts who think with him do not perceive that they are drifting entirely from the ground of law to the quicksands of theological opinion? The common law of England is the definite, unbroken, and undisputed tradition of the Courts of Record, from the earliest dawn of legal memory; but that which Mr. Keble calls the common law of the Church has been, and is, the subject of fierce and never-ending contentions in every council, in every state, in every schism, in every age, from the time of the Apostles to this day. 'Nowhere,' says Dean Milman, 'is Christianity less attractive, and if we look to the 'ordinary tone and character of the proceedings, less authori-'tative, than in the Councils of the Church:' and there is nothing which a true son of the Church of Christ may look on with more regret, than those tumultuous and intolerant assemblies of priests which claimed to fix the rule of faith. If there be in the world any definite representative of the common law of the Church it is the Pope, and the essence of the Roman Catholic faith is to believe that he is so. But by that

* This last point may, of itself, suffice to demonstrate the utter futility of such legal rules as those on which Mr. Keble and his friends rely. The Church of England admits the decisions of the *Four first* Councils, but not of the fifth; and this decision of the Fifth Council has been shown by high ecclesiastical authority to be wrong and inconclusive. (See Hefele, *Concilien-Geschichte*, vol. ii. pp. 764–835.) Would Mr. Keble suspend or deprive an English rector on such 'common law' as he may extract from the decrees of the Fifth General Council, and does he imagine that the law of England would sanction or tolerate such an act? Yet if he does not mean this, he means nothing.

common law Mr. Keble, Dr. Pusey, and every one of their allies, would equally be condemned. If they cease to stand on the terra firma of the Articles of the Church of England, there is no room for the sole of their foot between the rock of Rome and the precipice of dissent.

How then are these men to sit in judgment in the Church? What law are they to administer? Their own theological notions (on which probably no two of them do strictly agree) would become the test of orthodoxy; and the clergy of the Church of England would find themselves bound, not to the definite terms and conditions they have accepted at their ordination and institution, but to a vague power called the 'common law of the Church,' by virtue of which they might be called upon to accept any construction to be placed on the Articles by the dominant theological school of the day.

But, as Lord Harrowby said in his excellent speech on the Bishop of London's bill in 1850,—

'Bishops cannot be mere judges, mere interpreters. The more zealous, the more earnest in upholding what they believe to be the truth, the less are they fitted for such a function; and their opinions would become practically the law of the Church. Under such a system our Church might have been nailed to Calvinism under Whitgift, to semi-Popery under Laud, and to I know not what under the latitudinarian tendencies of the early part of the last century. To such a condition I, at least, am not prepared to bring my Church, as long as I can help it.' (*Hansard*, vol. iii. p. 658.)

The Lords of the Privy Council, as the expounders of the law, have guarded themselves, and sought to guard the Church, from this danger; and have studiously disclaimed the dangerous pretension of defining the tenets of the Church and the truths of religion otherwise than in the words of her own legalised formularies. That is precisely the reason for which this tribunal is now assailed by the whole strength of clerical fanaticism. The promoters of this strange agitation are seeking to transfer to the decision of minds, rendered subtle and intolerant by the exercise of their faculties on mysterious and indeterminate subjects of inquiry, that jurisdiction which is now exercised by the Queen on the advice of the first judges of the realm—to substitute the unknown for the known—the unwritten for the written—the traditions of the Church in dark ages for the laws of this kingdom—and the mysteries of the faith for the letter of the Articles. Such a proposition is worse than unreasonable, it is audacious; and when the nature of it is thoroughly understood, we doubt not that it will be condemned and rejected as

well by a large portion of the clergy as by the whole laity of England.*

To attempt at the present day to transfer questions of this delicate nature, which have, unhappily, the effect of kindling a large amount of irrational excitement, from a tribunal of judges to a conclave of priests, is a proposal utterly at variance with the first principles of the Constitution in Church and State — utterly opposed to one of the most important liberties a country can enjoy—and scarcely more likely to be accomplished than if the Archbishop of Canterbury and the Quarterly Review had proposed the revival of the Inquisition to be followed by an auto-da-fé in the gardens of Lambeth. For when men have persuaded themselves that by some divine influence and commission derived from Omnipotence itself, they are in possession of absolute truth, even on subjects the most solemn and mysterious, they are absolutely disqualified for the cautious and evenhanded functions of justice. In their eyes a difference of opinion is no longer a controversy of free judgments, but it becomes a fierce conflict of truth and falsehood, of right and wrong. That was the whole secret of the persecuting spirit of the Church of Rome; it condemned and it burnt *pro salute animarum;* and the same spirit is apt to break forth in all purely ecclesiastical bodies, unchecked by the judicial firmness and moderation of the civil power.

Most of all are these arbitrary tendencies to be dreaded and deprecated in the exercise of the peculiar powers of a Supreme Court of Appeal in ecclesiastical causes, if that tribunal be called upon not only to apply the law, but on certain occasions to declare it. The association which has recently been formed

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* A similar attempt was made by Bishop Blomfield, after the Gorham Case in 1850, in a bill brought by him into the House of Lords for the purpose of submitting doctrinal questions to a clerical Court and legal questions to a legal Court. 'The bill was rejected,' says Dr. Manning, 'with an overwhelming rejection, not only of 'opposition but of argument.' We wish that our limits permitted us to refer more fully to this debate (*Hansard*, vol. cxi. p. 598) of the 3rd June, 1850, in which the whole subject was treated with masterly ability by the Marquis of Lansdowne, Lord Harrowby, Lord Brougham, the Bishop of St. David's, and Lord Campbell. If, said Lord Campbell, the reference to be made to the Bishops on a point of doctrine is to be *binding and conclusive* upon the Court of Appeal, the Queen would in fact only have to register the decree of her bishops; and the supremacy in the Church would in reality be vested in them and not in the Crown. On these grounds Lord Campbell held the proposed change to be altogether uncons[illegible]

in this country, with reference to this very question, avowedly seeks to sever the ecclesiastical and the civil elements in the Privy Council, so that whilst the purely judicial function or application of the law should be left to the civil judges, it should be referred to the spiritualty to 'show, declare, and 'interpret' what the doctrine of the Church is. That is simply to claim for the clergy of the present day a legislative power, such as the clergy has not in any age of our history possessed. We stop not now to inquire how far it would be possible, in the present state of theological opinion, to obtain from any body of Bishops or dignitaries an authoritative declaration of opinion on a disputed point of doctrine, when it is notorious that on the two principal cases heard before the Privy Council, the three Prelates present were not of one mind, and that the condemnation of 'Essays and Reviews' was carried in the Upper House of Convocation by the casting vote of the Archbishop only. No case has yet occurred in the Privy Council in which the *united* opinion of the Prelates has been opposed on any doctrinal point to the opinion of the lay members of the Court; but if the opinion of three Prelates sitting in Council is divided, how much more are opinions divided out of doors! If the clergy, or any constituted portion of the clergy, were authorised to 'show, declare, and 'interpret' the doctrines of the Church, beyond the limits and known terms of the Thirty-nine Articles, they would, in reality, be invested with a power to extend the Articles: questions which have been left in a cautious obscurity or a wise latitude of interpretation would be eagerly raised in order to be brought to a decision by the predominant party of the day: no man would know what he might be called upon to believe and to teach; and the Church of England, torn by conflicting opinions and hostile judgments, would speedily be levelled to the ground. To quote a recent example. It was held by the Judicial Committee that to condemn Mr. Wilson for the hope he had expressed that the perverted may be restored, and that all, both small and great, may ultimately find a refuge in the bosom of the Universal Parent, would be to re-enact the forty-second Article of King Edward VI. against the Millenarian doctrine, which was expressly omitted from the Thirty-nine Articles of Elizabeth. Nor do we find any evidence that the Archbishops of Canterbury and York any more than the Bishop of London dissented from this view of the case. But the Archbishops have since thought fit to express, in their Charges and Pastorals, a very strong opinion that the Church of England does hold the doctrine of the never-ending

damnation of the wicked, and they have, as far as in them lay, attempted to re-enact that condemnation of the more charitable opinion of the mercy of Almighty God which was actually abandoned when the forty-second Article of King Edward VI. was withdrawn. In other words, such a declaration, being unsupported by any distinct passage of the existing Articles, would be in effect an addition to them, and an addition avowedly made for the purpose of visiting with penal consequences men who have ventured to teach in the freedom secured to them by the laws of their Church and their country. Again, it is an undoubted fact that our Articles, differing in this from the language of the Council of Trent which deified the Vulgate, and from the Westminster Confession of Faith, have abstained from any express declaration on the difficult subject of the inspiration of Scripture. The clergy are indignant with the Lords of the Council for having pointed out this fact, commented upon it, and inferred from it that whatever is not ruled by the Articles is free. 'The framers of the Articles,' said their lordships, 'have not used the word "inspiration" as applied 'to the Holy Scriptures; nor have they laid down anything as 'to the nature, extent, or limits of that operation of the Holy 'Spirit. The caution of the framers of our Articles forbids our 'treating their language as implying more than is expressed; 'nor are we warranted in ascribing to them conclusions 'expressed in new forms of words involving minute and subtle 'forms of controversy.' In other words, the Judicial Committee decided that the written law of the Church did not meet the case before them. All they had to do was to decide whether so much of the Judgment of the Court of Arches as was appealed against was correct or not, upon the special principles of ecclesiastical procedure and upon the general principles of the law of England. Can anyone doubt that the attacks made upon the Judgment, and the proposals for a reconstruction of the Appellate Tribunal, have in truth no other meaning than this, namely, that if the written law of the Church did not meet the case of the Essayists and Reviewers in the opinion of highly qualified judges, that deficiency might readily be supplied by some declaration of the unwritten law of the Church, to be made by the clergy alone: and that if a tribunal of laymen would not 'treat language as implying more than is expressed,' a board of ecclesiastics would not scruple, in the exercise no doubt of supernatural gifts, to piece out the Thirty-nine Articles until they reached the standard of modern dogmatism? Indeed, the thing has actually been done by the condemnation in Convocation of the same book which had just been acquitted by the

Queen in Council. What of that? Has such a condemnation any legal effect whatever? Having no legal effect, can it have any moral weight? 'The dilemma,' says Dr. Manning, with great force and neatness, 'is simple. Either the synodical 'declaration is a judicial act or it is not. If it be not, then it is 'waste paper; if it be, the Convocation is in collision with the 'Crown in Council.' In other words, the clergy are only saved from the illegality of their acts by their absurdity: their intentions may be destructive, but their weapons are powerless. Such pretensions as these need only to be stated in plain language to cover their authors with ridicule, and if they are not already abandoned, we hope they may speedily be brought to the test of parliamentary discussion. The House of Lords, an assembly comprising the heads of the Church and of the Law, is a body perfectly well adapted to deal with this subject, and we have no doubt it will decide the question as it decided it on the Bishop of London's bill in 1850, by rejecting the proposal by a majority of 84 to 51. But in the meantime it is of importance to know, historically, what the formation and character of our highest Church Courts have been since the Reformation; to examine the principles of the Constitution in this respect; and, lastly, to show what the Judicial Committee of the Privy Council has actually done since this branch of jurisdiction was transferred to the King in Council, in 1832.

These are the objects of the volume 'Judgments in Cases 'of Doctrine and Discipline' now before us. It is a collection of all the cases affecting the conduct or opinions of the clergy which have been decided by the Queen in Council since the transfer of the jurisdiction from the Delegates. These judgments are most of them replete with interest and instruction on questions touching the history of our Church, and they conclusively demonstrate that when the heads of the law have dealt with these questions they have done so with consummate learning and prudence. They are the best vindication of the tribunal by which they have been framed, and we hope they will be extensively read by both clergy and laity. The Bishop of London has rendered a service to the Church by causing this collection to be prepared under his own direction; and the Editors have added an Introduction containing the legal history of the Ecclesiastical Courts of Appeal since the Reformation.

One of the first legal steps in the Reformation of the Church of England was the Act for the restraint of Appeals of the 24 Henry VIII. It laid down the fundamental propositions that 'This realm of England is an empire governed by one supreme 'head or king, furnished with plenary power to render and

'yield justice and final determination to all manner of folk, 'his subjects, without restraint to any foreign princes and 'potentates of the world;' and it added that—

'The body spiritual having powers, when any cause of the law divine happened to come in question, or of spiritual learning, then it was declared, interpreted, and showed by that part of the body politic called the spiritualty, now being usually called the English Church, it hath been always thought and is also at this hour sufficient and meet of itself without the intermeddling of any exterior person or persons to declare and determine all such doubts and to administer all such offices and duties as to their rooms spiritual doth appertain, &c.; and both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other.'

The Act went on to provide that all causes determinable by any spiritual jurisdiction should be adjudged within the King's authority, and it included the singular enactment, not repeated in any other statute, that whenever any appeal shall be sued in any matter *touching the King*, the appeal should lie to the prelates, abbots, and peers of the Upper House of Convocation.

We quote this statute because it is the first—because it is the only one in which a co-ordinate spiritual jurisdiction appears to be recognised in the Church itself—and because it contains an express, though ill-defined, provision that in one special case an appeal shall lie to the Upper House of Convocation. Considerable stress has recently been laid on the provision we have cited from this statute—that 'any cause of the law divine was 'declared, interpreted, and showed by the spiritualty'—both in a Memorial addressed by the clergy and laity to the Archbishops of Canterbury and York, and in a Charge of the Archbishop of Canterbury himself. But it may easily be shown, on the highest legal authority, that this is a misapprehension—that in point of fact the statute in question was passed before the Reformation was accomplished, and while the authority of the Pope in spiritual matters was still recognised in England, and that no effect whatever was ever given to this enactment, either at the time or in the three centuries which have since intervened. These points have been decided by the Court of Queen's Bench within our own memory. It was on this statute that the counsel for the Bishop of Exeter founded an application to the Court for a prohibition in the case of Mr. Gorham, on the ground that the appeal ought to have been determined by the Upper House of Convocation, and not by the Queen in Council. Lord Campbell's judgment on that motion (Q. B. Reports, vol. xv. p. 66) contains so perspicuous an

account of the origin of this jurisdiction, clothed with judicial authority, that we shall borrow the language of the Lord Chief Justice:—

'The statute of the 24th Henry VIII. was passed when Sir Thomas More, a rigid Roman Catholic, was Lord Chancellor, and when Henry had not yet broken with the See of Rome.* Therefore it still allows an appeal to the Pope in all spiritual suits; and it was framed upon the principle that, while all temporal matters which were discussed in the Ecclesiastical Courts should be finally determined by Courts sitting within the realm, the spiritual jurisdiction which belonged to the Pope as Supreme Head of the Western Church should remain unaffected. Accordingly this statute is confined to causes about wills, to causes about matrimony and divorce, and to causes about tithes and oblations. Respecting these three classes of causes, it is enacted that the appeal should be from the Archdeacon to the Bishop, and from the Bishop to the Archbishop, whose judgment was to be final; cutting off the appeal to Rome, which otherwise would have lain. The 9th section of the Act provides that if in "*the causes before "rehearsed*" there shall be matter in contention which may touch the King, the party aggrieved shall or may appeal to the spiritual prelates and other abbots and priors of the Upper House assembled in Convocation, whose determination is to be final. But an appeal from the Archbishops' Court in a suit upon a Duplex Querela

* Lord Campbell appears to have misconceived the order of these events. The Parliament of the twenty-fourth year of Henry VIII. commenced its session on the 4th February, 1532; Sir Thomas More resigned the Great Seal on the 16th May, 1532; but if the dates are computed according to the old style of the calendar, when the year commenced on the 25th March, the month of May in any given year *preceded* the month of February. Mr. Froude, in the magnificent chapters of his History relating to these transactions (chap. iv. and chap. v. vol. i.), places the Statute of Appeals *after* the resignation of Sir Thomas More, and after the accession of Cranmer to the See of Canterbury, which took place in March 1533 (N. S.) According to his view, the exceptive clause with reference to 'any 'matter now depending for the causes before rehearsed which hath, 'doth, shall, or may touch the King,' was introduced for the express purpose of annulling the appeal of Queen Catharine to Rome, and of placing that great matrimonial controversy, with which the kingdom and all Europe rang from side to side, under the jurisdiction of Convocation. Certain it is that the question of the validity of the marriage was immediately afterwards submitted by Cranmer to Convocation, which decided against the marriage by a majority of 263 votes to 19; and the subsequent proceedings in the Archbishop's Court, by which the marriage was annulled, followed close upon it. But the Court of Queen's Bench does not appear to have taken this view of the question. We are not aware of any other judicial proceedings taken in and by the Houses of Convocation in this form.

involving the question whether the clerk presented to a living by the King was of unsound doctrine would still have gone to Rome.

'In the following year Henry, finding that there was no chance of succeeding in his divorce suit with the sanction of the Pope, and being impatient to marry Ann Boleyn, resolved to break with Rome altogether, and, preserving all the tenets of the Roman Catholic faith, to vest in himself the jurisdiction which the Pope had hitherto exercised in England. Sir Thomas More had now resigned the Great Seal; and it was held by the pliant Lord Audley, who was ready to adopt the new doctrines in religion, or to adhere to the old, as suited his interests.

'In a new Session of Parliament several statutes were passed, which, in addition to further regulating appeals, put a stop to the payment of first fruits and Peter-pence to the Bishop of Rome, forbade the investiture of English Bishops or Archbishops by the Bishop of Rome, gave power to the King to nominate bishops, in default of election by the Dean and Chapter, under a *congé d'élire*, prohibited dispensations or licenses from the Bishop of Rome, and declared the King to be Supreme Head of the Church, with power to "repress, redress, reform, order, correct, restrain, and amend all "such errors, heresies, abuses, offences, contempts, and enormities," "which by any manner spiritual authority or jurisdiction ought or "'might' lawfully be reformed, repressed, ordered, redressed, cor- "rected, restrained, or amended," "for the conservation of the peace, "unity, and tranquillity of this realm." The first of these statutes was 25 H. VIII. cap. 19, which put an end to all appeals to Rome in all cases whatsoever; and enacted by section 3 "that all manner "of appeals, of what nature or condition soever they be of, or what "cause or matter soever they concern, shall be made and had by the "parties grieved," "after such manner, form and condition, as is "limited" by the former Act of Parliament; that is to say from the Archdeacon to the Bishop and from the Bishop to the Archbishop. No exception is introduced respecting causes which touch the King; and on the contrary the enactment is expressly extended to all causes, of whatever nature they be, and whatever matter they may concern. But all doubt is removed by the following section (4), which creates a new Court of Appeal for all causes in the Ecclesiastical Courts. Instead of allowing the decision of the Archbishop to be final, as it was by stat. 24 H. VIII. c. 12, the legislature now enacted that "for lack of justice at or in any of the Courts of the Archbishops," "it shall be lawful to the parties grieved to appeal to the King's "Majesty in the King's Court of Chancery," where the Delegates are to be appointed under the Great Seal, who are to adjudicate upon the appeal. This appeal is given in all causes in the Courts of the Archbishops of this realm, as well in the causes of a purely spiritual nature which might hitherto have been carried to Rome, as in the classes of causes of a temporal nature enumerated in stat. 24 H. VIII. c. 12.

'The meaning of the legislature is still further proved by sect. 6 of the new statute, which enacts that all manner of appeals here-

after to be taken from the jurisdiction of any abbots, priors and places exempt from the jurisdiction of the ordinary shall be to the King's Majesty in the Court of Chancery, in like manner and form as heretofore to the See of Rome; no exception being introduced respecting causes which touch the King, although it was then notorious that the causes touching the King might be taken to Rome, Pope Clement having recently evoked Henry's divorce suit from before Cardinals Wolsey and Campeggio, sitting at Whitefriars, to be determined by his Holiness in the Vatican.

'The construction which the words of the statute seem to me to require is expressly put upon them by Lord Coke. In his Fourth *Institute*, p. 340, commenting upon the statute 25 H. VIII. c. 19, this great lawyer says, "A general prohibition, that no appeals shall "be pursued out of the realm to Rome or elsewhere. *Item*, a general "clause that all manner of appeals, what matter soever they concern, "shall be made in such manner, form, and condition within the realm "as it is above ordered by 24 H. VIII. in the three causes aforesaid; "and one further degree in appeals *for all manner of causes* is given, "viz. from the Archbishop's Court to the King in his Chancery, where "a commission shall be awarded for the determination of the said "appeal, and from thence no further."

'In practice, such is the construction that has been invariably put upon the statute for above three centuries, without any doubt being started upon the subject till the present motion was made. During this long period of time there have been many suits decided in the Archbishop's Court, in which the Crown has been concerned, respecting testaments and wills, and also of a spiritual nature, if this Duplex Querela touches the Queen. We know that in many of these the decision in the Archbishop's Court was not satisfactory. According to what is now contended for, the appeal ought always to have been to the Upper House of Convocation. But there is no trace of such appeal ever having been brought. On the contrary, there seems every reason to believe that the appeal has uniformly been to the King in the Court of Chancery, where Commissioners have been appointed, or, in common language to the "High Court "of Delegates."'*

* On one occasion only the King of England sate in judgment in Westminster Hall, surrounded by the spiritual and temporal Peers, on a heretic—the luckless sacramentarian Lambert, who was condemned in the Archbishop's Court, in 1538, for avowing that very doctrine which was within a very few years to be the cardinal point of the Anglican faith. Mr. Froude has described the scene from 'Foxe's Martyrs' with his wonted eloquence and power. Cranmer and nine other bishops toiled in vain till the torches were lighted in the Hall to convict the stubborn sectary. At the end the King exclaimed, 'Then you must die. I will be no patron of 'heretics.' No more cruel act stains the detestable reign of Henry VIII. Mr. Froude seems to think that the interval of four days which elapsed between the sentence and execution of Lambert

This account of the origin and jurisdiction of the Court of Delegates, framed by Lord Campbell, himself the Chief Justice of that Court whose duty it is, when necessary, to adjust and determine the functions of all other Courts, relieves us from the necessity of pursuing the subject further. It is clearly an error to suppose that the Act of the 24 Henry VIII. can now be relied on for any purpose whatever connected with the supreme appellate jurisdiction in the Church of England. Those who would take us back to that statute are seeking to take us back to the pre-Reformation period. The Crown, on the contrary, rests its jurisdiction on the statute of the following year, when the independence of the whole ecclesiastical jurisdiction of England from Rome was finally established, and when the clergy formally recognised the royal supremacy in the Church by their promise *in verbo sacerdotii* never henceforth to presume to attempt to promulge or execute any new canons, &c. in the Convocation without the royal assent and authority. These Acts were re-enacted on the accession of Elizabeth with a more distinct and peremptory declaration (which we quoted in our recent article entitled 'The Three Pastorals') that 'such jurisdictions as by any spiritual or ecclesiastical powers have heretofore been exercised are united and annexed to the Imperial Crown of this realm,'—a clause which would have been sufficient to extinguish the supposed jurisdiction of the spiritualty, if it had ever existed.

The next step was to provide the machinery by which this jurisdiction of the Crown should be exercised; for in this, as in other parts of our Constitution, although the supreme power resides in the Sovereign, the exercise of it is entrusted either to Commissioners duly empowered for that purpose or to the sworn Councillors of the Crown. The Act of Elizabeth expressly empowered the Queen to assign Commissioners to exercise ecclesiastical jurisdiction, and thus the High Commission Court came into existence. This Court was an invasion of the liberties and the law of England. It was not a Court of Appeal, but of original jurisdiction. Lord Coke strenuously resisted its encroachments by numerous prohibitions, and denounced it in his Fourth Institute. For whereas before the 1 Elizabeth all ordinaries and ecclesiastical judges proceeded according to the censures of the Church, and

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proves it not to have been the act of a despot but of the law; but the mode of hearing this case was a proceeding unknown, either before or since, to the law of England.

could not in any case have punished any delinquent by fine and imprisonment, the High Commission Court, deriving its authority from Letters Patent only and the pleasure of the Crown, did inflict fine and imprisonment on the Queen's subjects. It was essentially an arbitrary Court—the instrument of absolute power rather than a Court of justice. The very first commission issued under it was used to deprive fourteen of the bishops and many others of the Romish clergy for refusing to take the oath of supremacy. But this exceptional jurisdiction was formally condemned by the resolutions of the whole Court of Common Pleas in the 9 James I., a prelude to the final abolition of the High Commission Power by the 16 Charles I., when the fabric of Tudor and Stuart prerogative crumbled into the dust.* But so far was the High Commission Court from being a power of the spiritualty, that it was the very sign of their bondage; and when Dr. Pusey talks of the 'iron grasp of the Tudors,' which he still appears to feel upon his shoulder, he may thank Heaven that he lives in an age of very different jurisdictions and far more temperate laws. It

* The statute of 16 Charles I. cap. 11 was passed to put an end to the 'insufferable wrong and oppression' of the High Commission Court established under the 1st of Elizabeth. But this statute went beyond this object, and was held to have taken away the jurisdiction of the Ecclesiastical Courts altogether. Indeed, such was the temper of those times, that in the same year was passed another statute for disenabling all persons in Holy Orders from exercising any temporal jurisdiction or authority, or even sitting in Parliament and the Privy Council. On the restoration of Charles II. that portion of the first-mentioned statute which had been supposed to affect the ordinary ecclesiastical jurisdiction was repealed, except in so far as it abolished the High Commission Court. It is therefore from this last period (13th Charles II.) that the proper ordinary jurisdiction of the ecclesiastical tribunals of the country dates. One of the offences of James II. against the liberties of the country was by issuing and causing to be executed a commission under the Great Seal for erecting a court called the Court for Ecclesiastical Causes before which proceedings were taken against Compton, Bishop of London, for refusing to suspend on the King's order a clergyman who had preached against the tenets of the Church of Rome. It was enacted by the 1 Will. III. sess. 2, cap. 2, that 'the Commission for erecting the late Court of Commissioners for Ecclesiastical Causes, *and all other Commissions and Courts of like nature, are illegal and pernicious.*' To attempt, therefore, in these days to transfer the ancient and undoubted jurisdiction of the Crown to a Court of Commissioners named with a view to their ecclesiastical character and functions, would be a direct violation of the fundamental statute of 1688.

deserves particular notice that the jurisdiction of the High Commission Court in cases of heresy was limited by the 1 Eliz. 1 § 36, in the following terms:—

'Be it enacted that such persons to whom authority shall be given under the Great Seal of England to have or execute any jurisdiction, power, or authority spiritual, or to visit, reform, order, or correct any errors, heresies, schisms, abuses, or enormities by virtue of this Act, shall not in any wise have authority or power to order, determine, or adjudge any matter or cause to be heresy but only such as heretofore have been determined, ordered, or adjudged to be heresy by the authority of the Canonical Scriptures, or by the first four General Councils, or any of them, or by any other General Council wherein the same were declared heresy by the express and plain words of the said Canonical Scriptures or such as hereafter shall be ordered, judged, and determined to be heresy by the High Court of Parliament of this realm, with the assent of the Clergy in Convocation.'

Not a word of any supposed right or power of the spirituality of the realm to 'declare, show, and interpret' what is heretical; but a distinct reference to the written law of the Church, and a power vested *in Parliament* (with the assent of Convocation) to declare heresies hereafter. Such was the law even of the High Commission Court; and although this clause was repealed when the Court itself was abolished. Coke observes with truth that the principle of this enactment may fairly be observed as the proper rule of episcopal jurisdiction.

The High Commission Court was one of the reactionary measures caused by the relapse of the country into the Catholicism of Mary, and demanded by the fierce contest which marked the earlier years of the reign of Elizabeth: but during the more tranquil period which elapsed from the Restoration to the reign of William IV. the Court of Delegates exercised without question the chief ecclesiastical jurisdiction in the King's name.

Nothing could be more irrational in principle or more inconvenient in practice than the constitution of the Court of Delegates, which continued for nearly three centuries to be the Court of last resort in ecclesiastical and maritime causes. In each separate suit a Commission under the Great Seal was issued by the Lord Chancellor to appoint and constitute the Judges or Delegates who were to hear and to determine the case. These Commissions usually included some of the spiritual and some of the temporal peers, two or three Judges of the Common Law Courts, and two or three civilians. The selection of these persons was purely discretionary in the Chancellor.

Some were 'full,' some were 'ordinary' Commissions. As the leading civilians were usually retained to argue the cases at the bar, they were disqualified from sitting as Judges, and their place in the Commission was frequently filled by the secondary members of the profession. The Lord Chancellor himself never sate with the Delegates. The Sovereign had no connexion with the proceedings of the Delegates, except that the Commission issued from the Court of Chancery in the King's name. No reasons whatever were given by the Delegates for their judgments. Even after judgment, the decisions of this Court, professing to be the last stage of appeal, were not final; for application might be made to the King in Council for an Order of Review. These petitions were referred to the Lord Chancellor, and if he thought fit, after argument, (the Chancellor virtually quashing the sentence of the Delegates) another Commission issued under the Great Seal. This process was sometimes repeated *four* times, especially if the opinions of the Delegates were equally divided, or if the Lord Chancellor was dissatisfied with the result.

By far the largest number of the suits taken up to the Delegates were matrimonial or testamentary suits, or appeals from the High Court of Admiralty. It is extremely remarkable how few purely ecclesiastical causes were ever tried there, and of these still fewer raised any important doctrinal questions. The researches recently directed to the archives of the Court in Doctors' Commons have failed to bring to light any instructive results; and it may be presumed that with a Court of Appeal so expensive, so uncertain, and so imperfectly constituted, suitors generally preferred to take as final the decision of the Court of Arches.*

In consequence of the obvious inefficiency of the Court of

* It appears from a Return made in 1850 to Parliament of causes in the Court of Delegates against any clerk for unsound doctrine, that only three such cases could be found. That of Salter *v.* Davis in 1690, that of Pelling *v.* Whiston in 1713, and that of Havard *v.* Evanson in 1775. No example has been found of a Commission of Delegates including clerical members only. In Whiston's case the Delegates were four bishops, three common law judges, and five civilians. The important case of the Bishop of St. David's was also heard twice before the Delegates in 1695, and the sentence of the Archbishop, by which Bishop Watson was deprived for simony, and excommunicated for non-payment of costs, was affirmed by them. The Commission in this case included six bishops, five temporal peers, five common law judges, the Judge of the Admiralty, a Master in Chancery, and three civilians.

Delegates, a Commission of Inquiry was issued in 1830 to the Archbishop of Canterbury, the Bishop of London, four other Bishops, six Judges, and four other persons, to report on the subject. This Commission recommended the abolition of the Delegates, and the transfer of their jurisdiction to the King in Council, having especially in view the correction of clerks by a competent tribunal. In consequence of this Report, the measure was carried into effect by an Act of the 2 & 3 William IV. in 1832. The change was in the highest degree judicious. For the first time since the Reformation, it vested the final decision of ecclesiastical causes in the person of the Sovereign, acting by the advice of the Councillors nearest his person. It abolished the tedious process of rehearings, the decision of the King in Council on appeals being always final; and it prevented the possibility of the appellate jurisdiction being exercised by any but the highest judicial persons who alone are members of the Privy Council of the Sovereign. The nature of the decision of the Appellate Court was henceforth delivered in one judgment expressing a collective opinion; and if any division or conflict existed among the Judges, it could no longer be brought prominently before the public, because the practice of the Privy Council precludes the dissentient minority from stating its opinion, and the judgment is the advice submitted to the Sovereign on behalf of the whole Committee.

When this transfer of jurisdiction was made from the Court of Delegates to the King in Council, the Judicial Committee of the Privy Council was not in existence. It was created by a statute (3 & 4 William IV.) of the following year. From the part Lord Chancellor Brougham had taken in the preparation of both these measures, and his intimate acquaintance with the jurisdiction of the Privy Council, both as an advocate and as a judge, it may be inferred that these Acts were associated together in his mind; but it is not the less certain that the Judicial Committee was not constituted at all until after the ecclesiastical jurisdiction had been transferred to the King in Council. The former measure was therefore taken by Parliament without reference to that which followed it.

The subsequent creation of the Judicial Committee rendered the tribunal more competent to deal with the matters brought before it. Several eminent judges were added to the Privy Council, and the law required that the decisions of the Sovereign should rest upon the advice and reports of these judicial authorities only. But it must be acknowledged that when these useful reforms in the highest appellate jurisdiction were adopted, they were mainly intended to facilitate the trans-

action of testamentary, matrimonial, and maritime business, and it was not anticipated in 1832 that this Court would in the course of the next thirty years be compelled to hear and decide several causes deeply affecting the vital interests of the Church. Such causes had ever been extremely rare. Since the case of Mr. Stone, there was hardly a precedent upon the books of proceedings against a clerk for heretical opinions; and the then existing machinery of the episcopal and provincial jurisdictions was so bad that it was almost impossible to bring even flagrant abuses of life and manners under the supervision of a Court Christian. But the temper of the times was becoming more and more prone to theological controversies within as well as without the Church. In 1840 a bill was introduced into Parliament for better enforcing Church Discipline, especially with reference to the correction of clerks. By this bill, which passed into a law without opposition, the proceedings of the Episcopal and Archiepiscopal Courts were regulated; the appeal to the King in Council from the Archiepiscopal Courts was confirmed; and the prelates, being Privy Councillors, were added to the Judicial Committee of the Privy Councillors for the purpose of hearing appeals from decisions *under this Act*, which were not to be heard without at least one of these most reverend or right reverend persons. These judicial functions of the Bishops were not extended beyond causes arising under the Church Discipline Act—that is, causes of the correction of clerks. Ecclesiastical questions of far greater importance than the punishment of a clergyman may arise, and have arisen, in other forms before the Queen in Council. No provision was, however, made for the attendance of the ecclesiastical members of the tribunal on any causes but these matters of clerical discipline, and it would seem that this subject alone was uppermost in the mind of Bishop Blomfield when he brought in his bill. The bill passed through the House of Lords with but little comment. It was supported by the Bishop of Exeter and Lord Ellenborough. No one anticipated from it any result beyond the establishment of an improved system of clerical discipline. About sixteen appeals have been heard by the Judicial Committee, involving the conduct or opinions of the clergy, since the enactment of these statutes. The object of the publication now before us is to present to the public in a compendious form a report of the Judgments in these cases; and as nothing is more likely to clear up the obscurity which appears to rest on this subject than a definite knowledge of what the Court has done, we shall follow the compilers of this collection in taking a brief review of these cases.

The first appeal decided by the Privy Council which involved a strictly ecclesiastical question was that of Escott *v.* Mastin—and very important the question was, for it established nothing less than the validity of a sacrament.* Sir Herbert Jenner stated in his judgment in the Court of Arches that the validity of lay-baptism had been decided in that Court in 1809, in the case of Kemp *v.* Wilkes, which case was not appealed, but that although this judgment had been generally acquiesced in, there were not wanting among the clergy those who in no measured terms expressed their dissatisfaction with it. It was therefore resolved by these persons to revive the question for the express purpose of bringing it by appeal before the Queen in Council, with the advice of the Judicial Committee. Mr. Escott, the Vicar of Gedney, refused therefore to bury the child of certain Wesleyan parents in his parish, on the ground that it was canonically unbaptised, and therefore not entitled to Christian burial. The baptismal rite had been performed by a Wesleyan minister. The decision, both in the Court of Arches and in the Privy Council, was against Mr. Escott and in favour of the validity of lay-baptism—indeed, it argued great ignorance of Church history and law to impugn a doctrine and a practice which has always been acknowledged by the whole Catholic Church. For our present purpose, however, suffice it to observe that the decision of the Privy Council, affirming that of Sir Herbert Jenner, was delivered with great care and learning by Lord Brougham, who heard the appeal with Dr. Lushington, Lord Wynford, and the Hon. T. Erskine. No prelate was present, or was consulted, on this occasion, the proceedings not being brought under the Church Discipline

* The question of the validity of lay-baptism had agitated the Church of England in 1712, when Dodwell published his theory of the absolute nullity of the sacraments administered by ministers who had not received episcopal ordination—a proposition the more startling as it would lead to the inference pointed out by Lord Brougham, with great force, that Bishop Butler and Archbishop Secker were never baptised—that the latter in baptising George III. acted without authority, and that both were disentitled to the Burial Service as unbaptised persons. These opinions of Dodwell were condemned by the two Metropolitans and fourteen other prelates in the Upper House of Convocation; but the Lower House refused to proceed in the matter. The Privy Council held, in giving judgment on Escott *v.* Mastin, that 'the question was not to be decided by a reference 'to the opinions, however respectable, of individuals eminent for 'their learning or distinguished by their station in the Church,' but by the law of the Church which nothing but express enactment could abrogate.

Act of 1840, nor does it appear to have occurred to anyone at that early period of the jurisdiction that the law and doctrine of the Church on so momentous a subject as the administration of baptism lay in danger from being defined by the legal councillors of the Sovereign and determined by Her Majesty on their advice.

The next case in the Privy Council Reports is that of the Rev. Erskine Head, a clergyman of the diocese of Exeter, against whom proceedings were instituted by his Bishop, under the Church Discipline Act, for having openly affirmed positions in derogation of the Book of Common Prayer in a published letter. The question decided by the Judicial Committee was one of strict law as to the form of proceeding under the new Act, and this point being decided against the defendant, the cause was remitted to the Court of Arches to be heard on the merits. The Bishop of London sat on this appeal, with Lord Campbell, V. C. Knight Bruce, and Dr. Lushington. Mr. Head was subsequently condemned, with costs, by the Dean of the Arches and suspended *ab officio et beneficio* for three years, from which sentence he did not again appeal.

The diocese of Exeter has been fruitful in ecclesiastical suits ever since it has been blessed with a prelate skilled in the law of the Church and jealous of his pastoral authority. Bishop Philpotts next turned these weapons against the Rev. James Shore, a clerk in holy orders, who had committed the offence of publicly reading prayers in an unconsecrated building at Berry Pomeroy. The question really involved in the case was whether a clergyman of the Church of England can divest himself of his character and turn dissenting minister. The Dean of the Arches held that he cannot. Accordingly, Mr. Shore was declared to be obnoxious to ecclesiastical censure, and admonished, but as it was not a case to call for his deposition, this was all that could be done. Mr. Shore appealed to the Privy Council, and the judgment of the Court of Arches was affirmed, with costs, by a Court consisting of the Archbishop of York, the Master of the Rolls, Lord Campbell, Dr. Lushington, and Mr. Pemberton Leigh, now Lord Kingsdown.

These passages of arms were, however, of small account in comparison with the great Gorham case, in which the Bishop of Exeter had resisted the institution of a beneficed clergyman on theological grounds—obtained a sentence against him in the Court of Arches—and was finally defeated in the Privy Council. As this suit originated in what is called by the canonists a *duplex querela*, and not under the Church Discipline Act, the

prelates who are members of the Privy Council had no seats of right at the board, nor was their presence required by the statute. But Her Majesty was advised that as this cause raised questions deeply interesting in a theological point of view to a large portion of the clergy and the laity, it was proper to take the opinions of the episcopal members of the Privy Council upon it. The Archbishops of Canterbury and York and the Bishop of London were therefore summoned, by the Queen's command, to attend, in addition to the six lay members of the Privy Council who heard the appeal.* The opinions of the prelates were fully expressed by each of them in the Committee before the judgment was framed by Lord Langdale. But it was afterwards intimated that the Bishop of London and one of the lay members dissented from the terms of the judgment adopted by the seven other Privy Councillors. The Gorham case has been so often and so fully discussed in these pages, and elsewhere, that it would be a waste of time to enlarge here upon the principles it established. Those principles have constantly been maintained and adhered to in all the cases which have since been decided. They clearly laid down that the sole duty of the Court of Appeal was to ascertain and interpret the written law of the Church of England, and not to enter upon the field of theological controversy; and it is satisfactory to recollect that this view was fully sanctioned by Archbishop Sumner and Archbishop Musgrave, and has been confirmed by every legal authority who has since had occasion to examine that decision.

It is unnecessary to dwell upon the case of Craig *v.* Farnall, or that of Mr. Speer, or that of Mr. Bonwell. Proceedings were instituted under the Church Discipline Act against these clergymen by their diocesans, for acts of incontinence or debauchery, and the suits were eventually heard on appeal by the Lords of the Judicial Committee and one or more prelates. But it is important to remark the essentially criminal character of these cases. Offences charged against the clergy may be offences against the moral obligations, or they may be offences against the dogmatical precepts, of the Church, but the jurisdiction and procedure are identical. The consequence is that the Court proceeds with the circumspection peculiar to English Judges in the application of penal laws. In Mr.

* Every member of the Judicial Committee was summoned on this occasion, but six only attended besides the prelates. The Judicial Committee consists of about eighteen lay members, but of these several take no part in its proceedings.

Craig's case the sentence which had been given against him was reversed on legal grounds, because the offences charged were not proved with legal strictness. It is obvious that this state of things is an immense security to the lower clergy. They cannot be denounced, prosecuted, and condemned on mere surmise or moral presumption; they live under the protection of the law; and except by the law and in conformity with the law neither their conduct nor their opinions can be made the subject of proceedings against them — a powerful protection of personal freedom and intellectual independence, things not less dear, we hope, to the clergy than to the laity of England, in the measure of their duties. Yet, strange to say, the clergy have raised their voice against the civil power in the Final Court of Appeal which is the safeguard of their own liberties, and which, if taken away, would consign them to the uncontrolled authority of clerical boards and episcopal visitations. Although questions of doctrine may occasionally arise on these cases, it is not the object of the proceedings to decide doctrine at all. The question before the Court is simply whether the defendant has done an act which renders him obnoxious to legal punishment—everything else is incidental; but the difference between a legal and a clerical tribunal is that the former looks exclusively to the particular case on the evidence, the latter seeks to lay down broad principles, to declare doctrines, and to extend the common law of the Church, at the risk of grievous injustice or no justice to the individual who is the subject of the prosecution. It is as a Criminal Court especially that the Final Court of Ecclesiastical Appeal must be regarded. In the ecclesiastical judgments collected in this volume, all, except that of Liddell *v.* Westerton, are of this penal character, that is, they involved penal consequences to clergymen by depriving them of their functions and emoluments.

In the case of Mr. Poole, which was argued before the Archbishop of York and five lay members of the Privy Council in 1861, this very point was strongly pressed. Mr. Poole was a stipendiary curate at St. Paul's, Knightsbridge. The Bishop of London had seen fit to revoke his license. Mr. Poole appealed to the Archbishop of Canterbury in person, who confirmed this decision, for it was an administrative rather than a judicial act of the Bishop. Nevertheless Mr. Poole endeavoured to prosecute his appeal to the Queen in Council, but it was decided that no right of appeal lay, and that the revocation of curates' licenses is a discretionary act of the bishop, and not a sentence between litigants. This case is important, as it shows that curates do not possess the

same protection in the Court of Appeal as the beneficed clergy, and that they have in vain sought to obtain it. The law has not given it to them.

The well-known dispute between Mr. Liddell and the Churchwardens of St. Paul's and St. Barnabas was not a penal or a doctrinal question, except in so far as doctrines may be inferred from church architecture and church ornaments. The question tried was simply whether the ornaments introduced by the incumbent of St. Paul's into his churches are consistent with the injunction prefixed to the Book of Common Prayer, that 'such ornaments shall be retained and 'be in use as were in this Church of England by the 'authority of Parliament in the second year of King Ed-'ward VI.' The suit not being prosecuted under the Church Discipline Act, the prelates had no voice in the decision of it, but Her Majesty again commanded the ecclesiastical members of the Privy Council to be summoned: the Archbishop of Canterbury and the Bishop of London attended; the lay members of the Committee were Lord Wensleydale, Mr. Pemberton Leigh (Lord Kingsdown), Sir John Patteson, and Sir William Maule.

We pass over the proceedings instituted against the Rev. George Anthony Denison for opinions expressed in a sermon preached by him on the Eucharist, because they fell to the ground on a technical point—the Privy Council being of opinion that the first step in the suit was not taken within the time required by Act of Parliament. Mr. Denison's case was not therefore heard on the merits. But this cannot be said in the last ecclesiastical appeals heard by the Privy Council, which have drawn public attention in so marked a manner to this judicature—we refer to the case of Mr. Heath, and the proceedings against two of the authors of 'Essays 'and Reviews.'

Mr. Heath was a beneficed clergyman of peculiar opinions, in the Isle of Wight, who published a volume of sermons. Had these sermons come before ourselves, or any ordinary tribunal of literary criticism, we should have dismissed them as ill-written, unintelligible, and absurd productions. But the clergy of the island urged the bishop of the diocese to take more formidable measures, and accordingly proceedings were instituted against Mr. Heath under the 13 Elizabeth, a highly penal statute, which sentences to absolute deprivation clergymen advisedly maintaining any doctrine directly contrary or repugnant to any of the Thirty-nine Articles. It can hardly be disputed that although Mr. Heath was a learned and pro-

bably a worthy man, he was entirely unfitted by the extreme singularity of his opinions to be the parson of an English parish. A clergyman who deliberately applied himself to convince his parishioners and all England that '*the idea of forgiveness of sins as having anything to do with the Gospel must be totally rejected*,' could hardly remain a minister of that Gospel in the received sense of words. And some of these strange views were expressed in terms which would, from any other source, have been considered blasphemous. There was, therefore, no doubt on the part of the legal advisers of the Crown, any more than on that of the Archbishop of York and the Bishop of London, that Mr. Heath lay within the mischief of the statute. An attempt was made to show that a man could not be guilty of heresy whose language was unintelligible; but the Court held that the meaning of his doctrines was of no account provided it was clear that they are repugnant to the Articles of the Church of England. Mr. Heath was therefore deprived, and justly deprived, of his parish. But the appeal to the Queen in Council secured to him, and to all the clergy, two important results. It was ruled that in order to conduct a suit of this nature the charge must accurately and precisely specify the passages to which heresy is imputed, and also the passages in the Thirty-nine Articles to which the incriminated writings are opposed; and that no vague or general charge can be sustained. It was also ruled that down to the very latest moment, if Mr. Heath had thought fit to retract the opinions declared to be erroneous and heterodox in his writings, he would have escaped all punishment. These points were of no advantage to a man constituted as Mr. Heath appears to have been; but they were and are of infinite moment to the future administration of justice to the clergy, for they established the distinction between a positive sentence of a Court of Justice, supported by precise allegations, and the loose expression of ecclesiastical censures, resting on assumptions, generalisation, or inquisitorial investigation.

The proceedings before the Privy Council in the recent prosecution of two of the writers in 'Essays and Reviews,' are so familiar to our readers and to the public that it is unnecessary to dwell upon them in this place. These appeals attracted an unusual degree of attention from the talent with which the inculpated clerks defended their opinions without impugning the Articles, and from the extravagant importance attached to those opinions by the extra-judicial sentence of their adversaries. But before the Privy Council these cases were decided

precisely on the same principles which have hitherto ruled all the ecclesiastical decisions of the Queen in Council. The charges were stripped of all extraneous matter and reduced to bare positive statements, in which the direct language of the defendants was tried by the direct language of the Articles. Upon an inquiry thus conducted, it was decided that the incriminated passages did not sustain the condemnation of the writers. If this form of procedure be compared with the condemnation fulminated by Convocation against the obnoxious volume, the reader may have a correct notion of the distinction between a judicial trial and a theological proscription.

There is yet another class of cases heard before the Privy Council which partake of an ecclesiastical character, although they reach the Court of Final Appeal by a different road, and they do not fall within the jurisdiction of the Queen in Council as Head of the Church of England. We refer to the suits affecting ecclesiastical interests in the colonies. The authority of the colonial bishops over their clergy is subject to the laws of the colonies in which that authority is exercised, and in case of abuse, recourse is had to the Colonial Courts of Justice, from which an appeal lies to the Queen in Council. Thus it was that the Privy Council decided, in 1839, the case of Bowerbank *v.* the Bishop of Jamaica, and in 1863 the case of Long *v.* the Bishop of Cape Town. In both instances the proceedings taken by these bishops against incumbents in their respective dioceses were quashed for an entire absence of legality and authority in the forms of procedure. A still more notorious case has recently been argued before the Judicial Committee upon a special reference by the Queen, in the matter of the alleged deposition of the Bishop of Natal by the Bishop of Cape Town. But although the theological opinions of Bishop Colenso may by possibility hereafter form an element in this discussion, just as the theological opinions of the English Presbyterians were discussed in the Court of Chancery in the matter of Lady Hewley's Charity, yet the essence of the contest is one not of doctrine but of discipline. It is an interesting dispute as regards Church Government and the relations of the Crown to the Church in the colonies; but it has nothing to do with Bishop Colenso's lucubrations on the Pentateuch.

The conclusion we draw from this brief sketch of the origin and constitution of the Court of Final Appeal in Ecclesiastical Causes, and from the manner in which that jurisdiction is exercised, may be summed up in few words. No power or duty of the Crown is more expressly vested in the Sovereign of these

realms, by the authority of Parliament and with the assent of the clergy, than this headship and supremacy in the Church—terms to which we ascribe no mystical or religious meaning, but simply that of supreme jurisdiction. This supremacy of jurisdiction is not a fiction of law or an obsolete prerogative of the Crown: it has been exercised directly by Queen Victoria in twelve or fourteen cases of moment to the Church since her accession to the throne, and this is the only authority known to the Constitution by which such controversies can be legally decided. The Queen refers to certain of her Privy Council the appeals laid before her in Council; the Judicial Committee has no authority whatever in these matters beyond that of making a report upon the cases referred to it: the Queen approves in person the report of the Committee on each case, and her mandate alone causes it to be carried into execution. These are the facts; and this is the constitution of the Church of England in respect to this jurisdiction.

We cannot understand, therefore, on what grounds, unless it be in entire ignorance of the subject, men holding high office in this very Church—owing their dignity and temporal possessions to her laws—exercising themselves a portion of her authority, have of late spoken of this Court of Ecclesiastical Appeal as if it rested with them to substitute a Court of Bishops or a Committee of Professors for the Crown; and as if such a change as they are contending for—a transfer of one of the highest functions of the Sovereign to a board of churchmen—could be made without the overthrow of the Royal Supremacy. Such a proposal would be an invasion of the Prerogative of the Crown which cannot even be submitted to Parliament without the Queen's assent previously obtained; and to carry it into effect would be sensibly to modify some of the fundamental statutes on which the establishment of the Church of England rests. We are not now discussing whether the existence of a Church connected with the State is beneficial to the interests of religion and of the nation. We think it is—we assume that it is—but at any rate it does not lie in the mouths of the dignitaries and powers of the existing Church to contest the conditions of their own establishment. They owe much to the law: if they hope to retain what they owe to the law, they must support and obey the law. It is an ominous sign for the perpetuity of the Established Church, that men of great earnestness and learning like Dr. Pusey are beginning to point to secession, and may one day seek to regain the unlimited power of making and administering their own laws and tenets by lapsing into schism and dissent. But

it will be easier to drive all the doctors in Oxford from their chairs and their stalls, than to persuade the people of England to consign the leaders of opinion and fair inquiry in this age to their uncontrolled jurisdiction. Happily the existing jurisdiction of the Queen in Church and State affords to the nation an ancient and efficient barrier against the extravagant pretensions of the clerical party on the one hand, and the levelling tendencies of the enemies of religion on the other: by that alone the discipline of the Church may be maintained without encroaching on her freedom; and she may continue to unite, as she has done for three centuries, stability with progress.

In conclusion we would urge one consideration on those who are engaged in attacking the present mode in which the ecclesiastical jurisdiction of the Queen is exercised—before they destroy the existing tribunal, are they quite certain that they are able to construct a better one? The Judicial Committee of the Privy Council is for these purposes a mixed body, consisting of prelates and judges, appointed not on any personal grounds, but because they fill the highest rank in their respective professions. If it is to cease to be a mixed body, it must become either wholly clerical or wholly judicial. To the first of these alterations we are certainly opposed on constitutional principles: to the second alteration we are averse because it is just and reasonable that the chief dignitaries in the Church should be consulted on matters affecting her welfare, and this has been the immemorial usage of the Sovereigns of this realm. The churchmen who are now agitating to exclude the Bishops from the Committee of Council are, in truth, seeking to inflict a severe blow on the Establishment, and they will doubtless receive in Parliament the strenuous support of its worst enemies. But those who, like ourselves, desire the permanence of the Church of England under the safeguard of the law, have only to contend that neither its legal nor its spiritual character should be altered, but that, in the words of the first Statute of the Reformation, 'both their authorities and jurisdictions do 'conjoin together in the due administration of justice, the one 'to help the other.'

ART. VII.—*Report of Resolutions adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland and Prince Edward's Island, held in the City of Quebec on the 10th of October, 1864, as the Basis of a proposed Confederation of those Provinces and Colonies.*

AMALGAMATION is the order of the day, the approved process by which capitalists of all classes are doubling their profits and defying their competitors. From our railway companies and millionaires the co-operative infection has spread to our mechanics and artisans. Men of all sorts and conditions, at home and abroad (theologians excepted), are seeking in union that strength with which it is proverbially identical. A colossal project of this nature has been just presented to our notice in the proposed fusion of the five provinces of British North America, 'with power to add to their number' as many of the communities lying within British boundaries between the Atlantic and Pacific Oceans as may, on terms hereafter to be defined, elect to join this vast copartnership. Even to nations unconnected by political or geographical affinities with the parties more immediately concerned, the success or failure of a scheme embracing in its contingent operations an area exceeding that of Europe is no matter of indifference. To Great Britain it is impossible to over-estimate the importance and extent of the ultimate consequences depending on this crisis in the history of her Transatlantic provinces. For there are problems of colonial policy the solution of which cannot, without peril, be indefinitely delayed, and though Imperial England is doing her best to keep up appearances in the management of her five and forty dependencies, the political links which once bound them to each other and to their common centre are evidently worn out. Misgivings haunt the public mind as to the stability of an edifice which seems to be founded on a reciprocity of deception, and only to be shored up for the time by obsolete and meaningless traditions. Economists fail to comprehend the value of outlying provinces which garrison their frontiers with our troops, while they exclude our manufactures from their markets. Even orthodox politicians, who would shrink from a Colonial Emancipationist as from a pestilent heretic, cannot help asking themselves sometimes whether it is possible or desirable that these little islands of our's, whose whole area scarcely exceeds 130,000 square miles, should for ever retain, even a nominal

dominion, over a fifth of the habitable globe. These hints at a possible disturbance of their existing relations very naturally shock our Colonists, who have no wish to part company with us, and think it very wicked even to talk of dismembering 'an 'empire on which the sun never sets.' It is not unnatural that the desire to maintain a connexion with the power and wealth of the mother-country should be stronger on the side of the Colonies than it is on that of the British public, for they owe almost everything to us, and we receive but little in return from them. Moreover, the existing system of colonial government enables them to combine all the advantages of local independence with the strength and dignity of a great empire. But the Imperial Government, in the meantime, has to decide, not as of old whether Great Britain is to tax the Colonies, but to what extent the Colonies are to be permitted to tax Great Britain—a question which is daily becoming more urgent and less easy of solution. To register the edicts of Provincial Legislatures is now almost the only remaining function of the Colonial Office; and in the absence of any distinct indications of public opinion at home as to the course to be pursued in the administration of our Dependencies, the smallest contributions from Colonial sources which may tend to simplify the task of the authorities in Downing Street will, no doubt, be thankfully received.

The new British American programme has arrived at a seasonable period of indecision, and this circumstance will insure for its promoters, at all events, a favourable hearing. We learn from Mr. Cardwell's despatch to Lord Monck of the 3rd December that this scheme has already received the deliberate consideration of Her Majesty's Government; and in the course of the ensuing spring it is expected that a deputation will arrive in this country for the purpose of bringing over the Quebec propositions, which will then be submitted in the form of a Bill to the Imperial Legislature. The time is therefore come when this subject must be fully discussed, and no question of greater interest is likely to come before Parliament in the session of 1865, for it raises numerous points of great novelty and complexity, and it will affect the future condition of a vast extent of territory, of a people verging on independence, and, in a less degree, of England herself.

Of all the provinces added to our empire during the last three centuries, none have on the whole proved less troublesome to the parent State than the long belt which extends from the shores of Lake Superior to the banks of Newfoundland. We have heard, it is true, in times past, of Canadian

rebellions, we hear sometimes now of hostile tariffs, and it might puzzle the wisest of our statesmen if he were challenged to put his finger on any single item of material advantage resulting to ourselves from our dominions in British North America, which cost us at this moment about a million sterling a-year. But this is the sort of thing that happens to us everywhere, and we are used to it. Retainers who will neither give nor accept notice to quit our service must, it is assumed, be kept on our establishment. There are nevertheless special and exceptional difficulties which beset us in this portion of our vast field of empire. For though Kaffirs and Maories have proved more dangerous neighbours to our colonists and more costly enemies to ourselves than the Red Indians, whose race the threefold agencies of rifles, whiskey, and small-pox seem almost to have exterminated, the permanent occupation of that frontier of three thousand miles which extends from the Bay of Fundy to the Straits of San Juan presents problems more serious than any we have yet had to solve in New Zealand or at the Cape. Although half these difficulties have no place in the estimate of the sanguine prophets who predict the eternity of the American civil war, or (which is much the same thing) its duration until the utter exhaustion of both parties in the conflict, yet, even assuming for the moment that such calculations afford a safe basis of action, they afford no provision against the contingencies of an anarchy more perilous than filibustering expeditions or organised invasions, and they may fail to protect against the ambition or resentment of a powerful neighbour that vast region which, though claimed for England by our maps and guaranteed to us by our treaties, is during a seven months' winter inaccessible to our legions, and therefore indefensible by our arms. When therefore we are told that the battalions of Great Britain are the ægis under which these unapproachable provinces propose to shelter themselves against all comers from all quarters of the compass, and that they may possibly call upon us at any moment in mid-winter, as they did three years ago, for ten or a dozen regiments to protect them from the consequences of some quarrel of our own, and when we reflect how utterly inadequate such a garrison would be, unless supported by a far more efficient local militia than is now in existence, to defend those provinces from the only enemy they fear, it is scarcely surprising that any project which may offer a prospect of escape from a political situation so undignified and unsatisfactory should be hailed with a cordial welcome by *all* parties concerned.

The movement which culminated last October in the Quebec Conference, and in the Resolutions which have since been reported to the Home Government, novel as it may appear to us on this side of the Atlantic, represents no novel idea to our North American colonists. The scheme of a Federal Union between the Canadas and the maritime provinces was indeed ventilated six years ago, in a correspondence between the Duke of Newcastle and the Canadian Government, but the mainspring of the Federative Movement must be sought not in any past or present impulse from Imperial authorities, but in the political circumstances, necessities, and instincts of the provinces in which it has originated. It has, in fact, grown out of the crisis or (as it has been called in Canada) the 'dead-lock' by which the advocates of 'Representation by Population' have for some years past persistently impeded the practical operations of every successive government which has refused to adopt their policy. When the Canadas, which were divided into two provinces by Pitt in 1791, were reunited in 1840, the terms of union, so far as the electoral laws of the colony were concerned, failed to provide for the contingency which has since arisen of a reversal of the relative proportions of population between the two provinces. West Canada, a large portion of which was then an unreclaimed forest, has now a population of more than a million and a half, exceeding by five or six hundred thousand that of the Eastern Province, to which nevertheless an equal voice in the Canadian parliament is still allotted under the Act of 1840. By the leading men of Upper Canada this state of things has been resented as an anomaly and a grievance, and failing to obtain redress for it, they resorted to a policy of obstruction which has proved fatal to many measures of admitted importance to all parties and districts in the colony. The inconvenience of this position of affairs led, not unnaturally, those who were suffering under it to look out for the basis of a compromise which might, at all events, afford a prospect of the Queen's Government being successfully carried on. This required basis has been found in the project of a British American Federation in which 'Representation by Population' should be accepted as a cardinal principle of union.

It was, therefore, no crude or capricious fancy which brought together the delegates from Canada, Nova Scotia, and New Brunswick, who assembled last September in Prince Edward's Island. The preliminary gathering at Charlotte Town had for its object to establish the basis of those negotiations which, after a further exchange of compliments between the representatives of the contracting Powers at Halifax and at St.

John's, took the more definite and detailed form in which they are now presented to our notice, in the Resolutions passed six weeks afterwards at the Conference of Quebec. In this last-named conclave, composed of accredited representatives of all political parties in the five provinces of British North America, the various topics arising out of the project they had taken upon themselves to discuss appear to have been handled, if we may judge from the results before us, with earnestness, vigour, and moderation. The hearty and almost unanimous approval with which the Quebec programme has been greeted, both in the colonies and in this country, disinclines us, especially pending those discussions in the Imperial Parliament, which it must of course necessitate, to dwell critically on its details. There are, nevertheless, points directly involving Imperial interests on which, before the Executive Government is empowered by Parliament to take action in the matter, it seems expedient that some expression of public opinion should be invited.

It will shorten and simplify our criticisms if we assume at the outset that these international negotiations have been undertaken with the deliberate and honest purpose of carrying them out to their fullest consequences. Let it be taken for granted that our North American fellow-subjects are as hearty as ourselves in their devotion to our Sovereign and her empire, and that no evidence is needed to prove the preamble of their project. Dismissing, therefore, from our contemplation all the *broderies* of colonial orations, banquets, balls, *déjeûners*, and receptions, which have been festooned round the council-chamber of the North American plenipotentiaries, let us examine for a few minutes their scheme as a dry matter of business.

Their first edition only is before us. How far it may have since been amended or revised, we do not profess to know. Any alterations it may have experienced have been probably rather in the details than in the general outlines of the plan. As to its primary objects, let the delegates speak for themselves in their six opening Resolutions, which run as follows:—

'That the best interests and present and future prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several provinces.

'That in the Federation of the British North American Provinces the system of Government best adapted under existing circumstances to protect the diversified interests of the several provinces and secure efficiency, harmony, and permanency in the working of the Union would be a general Government charged with matters of common interest to the whole country, and local Governments for

each of the Canadas and for the provinces of Nova Scotia, New Brunswick, and Prince Edward's Island, charged with the control of local matters in their respective sections,—provision being made for the admission into the Union, on equitable terms, of Newfoundland, the North-West Territory, British Columbia, and Vancouver.

'That in framing a constitution for the general Government, the Conference, with a view to the perpetuation of our connexion with the mother-country, and to the promotion of the best interests of the people of these provinces, desire to follow the model of the British Constitution so far as our circumstances will permit.

'That the executive authority or government shall be vested in the Sovereign of the United Kingdom of Great Britain and Ireland, and be administered according to the well-understood principles of the British Constitution by the Sovereign personally or by representative duly authorised.

'That the Sovereign or representative of the Sovereign shall be Commander-in-Chief of the land and naval militia forces.

'That there shall be a General Legislature for the Federated Provinces, composed of a Legislative Council and House of Commons.'

The qualifications, powers, and number of members who are to form the two Houses of the proposed Federal Parliament are then defined. The Legislative Council is to consist of seventy-six members, to be appointed by the Crown for life, in the following proportions for each province, viz.:—Twenty-four for Upper Canada, twenty-four for Lower Canada, ten for Nova Scotia, ten for New Brunswick, four for Newfoundland, and four for Prince Edward's Island. All the members of the Legislative Council to be British subjects by birth or naturalisation, of the full age of thirty years, and possessing a property qualification of four thousand dollars.

The 'House of Commons' is to consist of 194 members, to be elected for five years, under the laws now in force in the several provinces respectively; the proportion of members to be returned by each province depending on the population as shown by each decennial census. At the first election each province is to be entitled to return members in the following proportions, namely:—Upper Canada, eighty-two; Lower Canada, sixty-five; Nova Scotia, nineteen; New Brunswick, fifteen; Newfoundland, eight; and Prince Edward's Island, five. It is further provided that in all re-adjustments rendered necessary by increase of population in any province, the proportion of members to electors now fixed shall be retained.

The Legislative powers proposed to be committed to the Federal Parliament are thus set forth:—

'The Federal Government shall have power to make laws for the peace, welfare, and good government of the Federated Provinces

(saving the sovereignty of England), and especially laws respecting the following subjects: —

'1. The public debt and property. 2. The regulation of trade and commerce. 3. The imposition or regulation of duties of Customs on imports and exports, except on exports of timber, logs, masts, spars, deals, and sawn lumber, and of coal and other minerals. 4. The imposition or regulation of Excise duties. 5. The raising of money by all or any other modes or systems of taxation. 6. The borrowing of money on the public credit. 7. Postal service. 8. Lines of steam or other ships, railways, canals, and other works, connecting any two or more of the provinces together or extending beyond the limits of any province. 9. Lines of steamships between the Federated Provinces and other countries. 10. Telegraphic communication and the incorporation of telegraph companies. 11. All such works as shall, although lying wholly within any province, be specially declared by the Acts authorising them to be for the general advantage. 12. The Census. 13. Militia, military and naval service, and defence. 14. Beacons, buoys, and lighthouses. 15. Navigation and shipping. 16. Quarantine. 17. Sea fisheries. 18. Ferries between any province and a foreign country, or between any two provinces. 19. Currency and coinage. 20. Banking and the issue of paper money. 21. Savings-banks. 22. Weights and measures. 23. Bills of exchange and promissory notes. 24. Interest. 25. Legal tender. 26. Bankruptcy and insolvency. 27. Patents of invention and discovery. 28. Copyrights. 29. Indians and lands reserved for the Indians. 30. Naturalisation and aliens. 31. Marriage and divorce. 32. The criminal law (except the constitution of courts of criminal jurisdiction), but including the procedure on criminal matters. 33. For rendering uniform all or any of the laws relative to property and civil rights in Upper Canada, Nova Scotia, New Brunswick, Prince Edward's Island, and Newfoundland, and for rendering uniform the procedure of all or any of the courts in these provinces; but any statute for this purpose shall have no force or authority in any province until sanctioned by the Legislature thereof. 34. The establishment of a general Court of Appeal for the Federated Provinces. 35. Immigration. 36. Agriculture. 37. And generally respecting all matters of a general character not specially and exclusively reserved for the local Governments and Legislatures.'*

* This last clause is obviously very loosely expressed, for what are 'matters of a general character,' and who is to decide whether a matter which may be in dispute between the Confederation and one of its members is of a general character or not? Mr. Cardwell has wisely pointed out, in his despatch of the 3rd of December, that the success of the scheme depends on giving a preponderating authority to the Federal power: and we should prefer to the foregoing enumeration of the powers of the Federal Parliament, a simple declaration that all powers are given to it except those expressly reserved to the several members of the Confederation. In

The appointment of lieutenant-governors is vested in the Federal Government, together with the control over all courts of justice and the judicial patronage of the superior courts in each province, the judges of which are to hold their offices during good behaviour, and to be removable only on the Address of both Houses of the Federal Parliament.

After providing that the local Legislature of each province shall be constituted in such manner as the existing Legislature of such province shall provide in the Act consenting to the Union, it is further resolved that the local Legislatures shall have power to make laws on the following subjects:—

'Direct taxation and the imposition of duties on the export of timber, logs, masts, spars, deals, and sawn lumber, and of coals, and other minerals.

'Borrowing money on the credit of the province.

'The establishment and tenure of local offices, and the appointment and payment of local officers.

'Education; saving the rights and privileges which the Protestant or Catholic minority in both Canadas may possess as to their denominational schools at the time when the Union goes into operation.

'The sale and management of public lands, excepting lands belonging to the General Government.

'Sea coast and inland fisheries.

'The establishment, maintenance, and management of penitentiaries, and of public and reformatory prisons.

'The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions.

'Municipal institutions.

'Shop, saloon, tavern, auctioneer, and other licenses.

'Local works.

'The incorporation of private or local companies, except such as relate to matters assigned to the Federal Legislature.

'Property and civil rights, excepting those portions thereof assigned to the General Legislature.

'Inflicting punishment by fine, penalties, imprisonment, or otherwise for the breach of laws passed in relation to any subject within their jurisdiction.

'The administration of justice, including the constitution, maintenance, and organisation of the courts, both of civil and criminal jurisdiction, and including also the procedure in civil matters.

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the constitution of the United States the contrary principle was adopted. All powers were reserved to the several States which were not expressly made over to the Union. We think that experience has shown this to have been one of the fatal vices of the American Constitution: and if British North America is to become a great State, we hope its citizens will profit by the mistakes of their neighbours.

'And generally all matters of a private or local nature.'

For the presumed purpose of obviating conflicts of authority between the Federal and local Legislatures it is further provided—

'That in regard to all subjects over which jurisdiction belongs to both the General and Local Governments, the laws of the Federal Parliament shall control and supersede those made by the local Legislature, and the latter shall be void so far as they are repugnant to or inconsistent with the former.'

All powers of taxation are reserved to the representative branches of the Federal and local Legislatures, such imposts to be in all cases first recommended by message from the Governor-General or Lieutenant-Governor as the case may be. Any Bill of the General Legislature may be reserved for the Royal Assent, and may be disallowed by her Majesty (in accordance with the present practice) within two years. All monies and securities for money belonging to each province at the time of the Union, together with all the public works, the property of such province, shall be vested in the Confederation, which shall assume all the debts and liabilities of such province, such debts not to exceed at the time of Union certain amounts fixed by the Resolutions.

After various stipulations as to the details of Intercolonial finance, the document concludes with the following provisions:—

'All engagements that may be entered into with the Imperial Government for the defence of the country shall be assumed by the Confederation.

'That the Federal Government will secure without delay the completion of the Intercolonial Railway from Rivière-du-Loup through New Brunswick to Truro, in Nova Scotia.

'The communications with the North-Western Territory, and the improvements required for the development of the trade of the great west with the seaboard, are regarded by this Conference as subjects of the highest importance to the Confederation, and should be prosecuted at the earliest possible period when the state of the Federal finances will permit the Legislature to do so.

'The sanction of the Imperial and local Parliaments shall be sought for the union of the provinces on the principles adopted by the Conference.

'The proceedings of the Conference, when finally revised, shall be signed by the delegates, and submitted by each deputation to its own Government, and the chairman is authorised to submit a copy to the Governor-General for transmission to the Secretary of State for the Colonies.'*

* A very important question on which these papers afford no

Such are the leading features of this important State Paper, which will receive, no doubt, at the hands of the Imperial Government and Parliament, the careful consideration which, without prejudging the merits of the case, it may be said unquestionably to deserve. 'Will it work?' is probably the first question which the statesman will ask himself as he contemplates the various cog-wheels and contrivances of this somewhat intricate political machinery. Assuming that the inventors are not mere theorists, but practical men who have an eye to their own best interests and the social and material progress of British North America, have they presented to us a scheme which will attain the objects they have in view, and which has in it the elements of permanent success? It is said, and perhaps truly, that in adopting the image and superscription of her Majesty as the frontispiece of their first edition, the authors of this Constitution prove themselves to be wise in their generation; and whatever may be the ultimate tendencies of their project, the problems which surround it are quite sufficiently numerous and perplexing, without adding to them at starting the quadrennial election of a chief magistrate, after the fashion of their Republican neighbours. It is, moreover, an evidence alike of their foresight and their tenacity of time-honoured traditions that they should have set before themselves as their model the framework of the British Constitution. Nor is it unworthy of remark, that in a project which may be said to have grown out of what we in England have regarded as a democratic movement, namely, the claim of representation by population, nearly all the changes suggested are of a distinctly 'Conservative' character. The property qualification of Legislative Councillors, which is now only temporary, is to be made continuous. Instead of being elected

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information, is that relating to the future condition of those territories and dependencies of the Crown in North America which are not included within the present boundaries of the Five Provinces. We allude more particularly to the territories now held by the Hudson's Bay Company under the Crown by charter or lease. The Crown is doubtless bound to take care that the interests of its grantees are not prejudiced by these changes; but, on the other hand, an English trading company is ill qualified to carry on the government, and provide for the defence, of a vast and inaccessible expanse of continental territory. Probably the best and most equitable solution would be the cession of the whole region to the Northern Federation for a fair indemnity; and this would lead to the execution of the great Northern Pacific Railway, under the auspices of the Federal Power.

they are to be nominated for life.* Though the programme contains no specific proposition respecting the franchise, it is understood that the tendency of opinion in Canada is rather towards raising than lowering the qualification of electors. We do not hear a whisper of vote by ballot, nor is it proposed to shorten the duration of the Federal Parliaments. In order to centralise authority, and to reduce as far as may be to a municipal level the local Legislatures, 'all matters of a general 'character' are, in addition to those enumerated in the Resolutions, placed under the control of the Federal Government; and though the distinction attempted to be drawn between general and local matters is in some respects scarcely traceable in the draught minutes of the Conference, the object they had in view is sufficiently clear and intelligible. The selection of Ottawa as a metropolis has been dictated probably by the prudent principle which is said sometimes to guide republics in their choice of presidents, and prime ministers in their choice of bishops, namely, that of neutralising formidable rivalries by doing honour to insignificance. The financial arrangements as between Canada and the maritime provinces appear to have been based on the adoption by the Federal Government of the debts and liabilities of all, and the relinquishment on the part of the local Legislatures of all their revenues, except those arising from the sale of lands, and from certain export duties, the control over which each local Government respectively retains.

The concluding Resolutions, which have reference to the completion of the Intercolonial Railway and the opening of the North-West territory, are not so much items of bargain between the delegates as a recital of their common aims and interests in the prosecution to a successful issue of these important undertakings. The former has, it is well known, been the frequent subject of negotiations between the Imperial and Colonial Governments since the days of Lord Durham, and by correspondence recently laid before Parliament its accomplishment appears to depend on the result of pending applications from the North American provinces for an Imperial guarantee, to which, however, no reference is made in the document before us. This and all the undertakings contemplated for the development of the industrial resources of British America must be regulated (as the language of the Quebec Resolutions informs us) by the state of the Federal finances.

* This, however, is one of the two points to which Mr. Cardwell objects on the part of the Government, because it affords no remedy for a dead-lock between the two Houses.

The result of these proposals, if carried into effect, would be the creation of a new State in North America, still retaining the name of a British dependency, comprising an area about equal to that of Europe, a population of about four millions, with an aggregate revenue in sterling of about two millions and a half, a debt of about sixteen millions, and carrying on a trade (including exports, imports, and intercolonial commerce) of about twenty-eight millions sterling per annum. If we consider the relative positions of Canada and the maritime provinces—the former possessing a vast and fertile back country, but no good harbours; the latter possessing good harbours but no back country—the former an unlimited supply of cereals but few minerals; the latter an unlimited supply of iron and coal but little agricultural produce—the commercial advantages of union between states so circumstanced are too obvious to need comment. The completion of the Intercolonial Railway, and the probable annexation of the fertile portions of the great North-Western territory to the new confederation, form a portion only of the probable consequences of its formation, the benefits of which will not be limited to the colonies alone, but in which Europe and the world at large will eventually participate. When the Valley of the Saskatchewan shall have been colonised, the communications between the Red River settlement and Lake Superior completed, and the harbour of Halifax united by one continuous line of railway with the shores of Lake Huron, the three missing links between the Atlantic and Pacific Oceans will have been supplied; and a political project tending however remotely to such a consummation may well challenge the all but unanimous approval it has received from the commercial community in British North America. Politically speaking, it is equally manifest that a Confederation with an aggregate population of four millions could more cheaply and effectually provide for its civil government and for its defence, if necessary, against foreign attack or internal disturbance than the five isolated communities which it is now sought to combine. There are indeed those who, anticipating the inherent difficulties of federation, desire that more complete fusion of interests which a legislative union would effect, but (with the exception, perhaps, of Mr. Dorion, and those whose opinions he represents) the objectors to the scheme belong to a class who would go beyond the plan propounded rather than thwart it or stop short of it.

The real difficulties of the proposal consist in the due adjustment of the threefold relations between the Imperial, Federal, and Local Governments which the creation of this

vast confederation will involve. The colonial combinations of which we have had experience in other parts, and at other periods of our empire, furnish few analogies for our guidance under the present peculiar conditions of the North American Colonies. The consolidation of the Windward and Leeward Islands under the Governments of Barbadoes and Antigua, which took place about thirty years ago, was an arrangement devised simply with a view to official convenience, and left untouched the constitutions of the several islands so combined. In the case of New Zealand, representative institutions were given to its six provinces, which were at the same time welded into a Federal Legislature, the Local and Federal Governments having been created simultaneously by an Act of the Imperial Parliament in 1852. The present proposals of the Quebec Conference differ, however, in some important particulars from the course actually adopted by Parliament in the case of New Zealand. The Provincial Councils of that colony, though inhibited by a restrictive clause from legislating on some twelve or thirteen interdicted topics, were in all other respects left free (subject to the royal veto) to manage their own affairs. By the British American programme, on the other hand, all matters of a general character not specifically enumerated as of local or concurrent jurisdiction, are intended to be placed under the authority of the Federal Government, and thereby the risks of conflict or attempts at 'nullification' on the part of the subordinate legislatures proportionally diminished. But the chief novelty, and, we may add, difficulty, presented by the Quebec scheme is in the circumstance that now for the first time in our colonial history five provinces, in all of which 'responsible government' is an established rule of administration, propose to superadd to their existing parliaments a superior and central machinery, in which the same system of government by party is to prevail under the nominal rule of the Queen's representative. It will probably be admitted by all who have watched whether with favour or disapproval the working of 'responsible government' in the Colonies since its first introduction in Canada five and twenty years ago, that it is, to say the least of it, a system tending to reduce to the minimum the prerogatives of the Crown. Such a result will probably be its chief praise and justification in the estimate of those who regard the political maturity and eventual independence of our colonies as the great aim and object of Imperial policy. The practical difficulties, however, which beset the working of this critically-devised machinery were foreseen by its reputed inventor in 1839, and have since

been sufficiently illustrated. Neither by Lord Sydenham, nor by his three successors, was it put in action; and it was not until Lord Elgin became Governor-General in 1847, that he commenced the process of 'giving his confidence' to each Executive Council in turn, retaining at the same time, through all changes of his policy, the confidence of his sovereign.

In the Australian Colonies and New Zealand, and wherever this system has been introduced, the Imperial Government has compounded for the advantages supposed to be inherent in it by a surrender of power, and by submitting to the inconveniences of a constant change in the Governor's advisers. Whether on these terms 'responsible government' is a good or bad bargain, it is too late to inquire. It rests upon the doctrine by which Adam Smith justified government by party nearly a century ago. 'Men desire,' he says, 'to have some 'share in the management of public affairs chiefly on account 'of the importance which it gives them. It is upon the power 'which the greater part of the leading men of every country 'have of preserving or defending their respective importance 'that the stability and duration of every system of free go-'vernment depends.' Whether this doctrine was rightly or wrongly applied to Canada a quarter of a century ago, we do not pretend to decide. The practical question we have now to ask is, looking at the hitches and dead-locks to which this system seems to be liable, when applied to one colony alone, how will it work when half a dozen 'responsible governments' are called upon to combine in the same confederation? Assuming even that all goes smoothly, the superaddition of a Federal Parliament to the existing institutions must, of course, increase the ordinary difficulties of constitutional government in all new countries where the supply of men uniting the qualifications of leisure, capacity, and inclination for the task of legislation is unequal to the demand. The legislative crew of the 'British North America' will not be less (including the local councils and assemblies) than between six and seven hundred hands, all told. Allowing for the frequent change of officers of all ranks, the question of keeping up the complement with so slender a political reserve to fall back upon, may be serious. This, however, is the affair of the colonists themselves. What we have to fear, and, if possible, to guard against, is the constant peril of a threefold conflict of authority implied in the very existence of a federation of dependencies retaining, as now proposed, any considerable share of intercolonial independence.

In order to illustrate our argument, let us suppose the Fede-

ration to be established, and a dispute respecting some project of law to arise between the Parliament of Newfoundland and the officer administering the government of that island. The dispute (as is the tendency of colonial quarrels) grows in the constitutional struggle, and ends in a ministerial crisis. The Lieutenant-Governor, on appealing from his intractable senate at St. John's to the Central Executive at Ottawa, is supported in the first instance by the Governor-General in Council, but the Newfoundland members of the Federal House of Commons, finding perhaps that the question at issue is one in which the maritime provinces generally are interested, succeed in combining their representatives with those of the Opposition for the time being in Canada, and the result is a vote of censure on the Federal Executive, and a refusal to vote the salary of the Lieutenant-Governor on the annual estimates. Under these circumstances the Governor-General has the option of moving with the obedience and rapidity of a marionette, in accordance with the fluctuating will of the colonial managers who pull the wires, or he may adopt the more dignified course of submitting the whole case to the Imperial Government, thus involving it in an arbitration between two subordinate Legislatures, which (however it may be conducted) must end in the disappointment of one, and may imperil the loyalty of both.

The fact is, we may schedule as we please 'local' and 'general' topics of legislation; we may define with the utmost possible distinctness the limits of each, or the concurrent authority of both Governments; we may equitably adjust financial liabilities, and allot to the central and provincial authorities their respective spheres of power over future redistributions and rearrangements; but it is on the accuracy and sharpness with which the prerogatives of the Federal Executive are defined that the success and permanence of a constitution, necessarily clogged with checks and counterpoises, must eventually depend. It is hardly to be expected that the local parliaments, with their responsible 'ministers,' will consent at once to be reduced to the rank of a parochial vestry, but it is by this process alone, and by their voluntary surrender of a very large share of the powers now left in their hands, that we can hope for a real consolidation of the provinces of British North America. If, as has been alleged, a Legislative Union is unattainable, because inconsistent with due securities for the rights guaranteed to the French Canadians by Treaty or by the Quebec Act, and Federation is therefore the only alternative, the vital question for the framers of this Constitution is how the inherent weakness of all Federations can in this

instance be cured, and the Central Government armed with a Sovereignty which may be worthy of the name. It is the essence of all good Governments to have somewhere a true Sovereign power. A Sovereignty which ever eludes your grasp, which has no local habitation, Provincial or Imperial, is, in fact, no Government at all. Sooner or later, the shadow of authority which is reflected from an unsubstantial political idea must cease to have power among men.

It has been assumed by those who take a sanguine view of this political experiment that its authors have steered clear of the rock on which the Washington Confederacy has split. But if the weakness of the central government is the rock alluded to, we fear that unless in clear water and smooth seas the pilot who is to steer this new craft will need a more perfect chart than the Resolutions of the Quebec Conference afford, to secure him against the risks of navigation. It is true that instead of a president elected every four years you have a governor-general appointed by the Queen every six. It is true also that the area of his nominal dominion presents now no topic more formidable than the expiring jealousies of race between our French and English colonists, to imperil the harmony of the British Federation. It is true that we have also now genuine aspirations of personal devotion to the sovereign, which were wanting to those who first organised the constitutions which resulted in the declaration of independence in 1776. But it is in the rapid ratio of progress at which our colonists have advanced since that period, and in their increasing sense of capacity for self-government, that we shall find our main difficulty in stranding together the thin threads of authority, which their spontaneous loyalty compels, as it were, the sovereign of Great Britain to retain. And it is evident that if this authority or its semblance is to be continued to any purpose of advantage either to the mother-country or to the provinces themselves, it can only be by gradually municipalising the local government and concentrating authority in the newly-created Federal Parliament. In the progress through its various stages of a project to which the annals of our empire present no parallel, it is more than probable that obstacles to its success now unforeseen may here and there arise, and that the present apparent unanimity may be occasionally disturbed by sectional jealousies and controversies on points now left purposely vague and undefined. On the whole, however, contemplating the future of this vast experiment, our hopes predominate over our fears. But while in the best interests of our colonists we are inclined to augur well

of this enterprise, it must be remembered that the five provinces who were represented at Quebec will not be the only parties who will be called upon to sign, seal, and deliver this international indenture. By the fourth resolution of the Conference it is provided 'that the Executive Authority or Government 'shall be vested in the sovereign of the United Kingdom of 'Great Britain and Ireland, and be administered according to 'the well-understood principles of the British Constitution, by 'the sovereign personally or by representative duly authorised.' In other words, the Queen is invited to retain a nominal sovereignty, entailing considerable liabilities and perils, and to accept in addition the invidious functions of an arbitrator, in the event of disputes between the associated states and the Federal authorities. Imperial England is not unaccustomed to one-sided bargains with her dependencies. The sound maxim that 'whoever pays the piper should order the tune,' has been generally invested in the conduct of our Colonial wars. For the most part Great Britain has taken on herself the burdens, leaving to her dependencies the privileges of freedom, and the present proposal assumes accordingly that the honour and glory of empire are a full equivalent for all its accompanying embarrassments. If the Quebec project were to be regarded as in any sense a final arrangement, and the equivalent in honour or power to be derived by the Crown from the acceptance of so perilous an authority were to be weighed in the balance with the commensurate risks, the safety and dignity of the proffered position might be very questionable; but it is impossible to regard this proposed federation in any other light than that of a transition stage to eventual independence; and in this view the precise form which Imperial sovereignty may for the time being assume becomes a matter of comparatively secondary importance. There are those perhaps, who, if the choice were offered to them, might prefer an hereditary vice-royalty, or an independent constitutional monarchy inaugurated under a prince of the blood-royal of England, to the republic to which they believe themselves to be drifting, and which the experience of the Federal States, already burdened by a public debt not far short of that which has been accumulated by Great Britain in two centuries, proves to be rather an expensive luxury. But even if the pageantry of a court and the dignity of a peerage could be transplanted at once to an unprepared and uncongenial soil, the success of such an experiment must depend entirely on the spontaneous unanimity with which it was demanded by the colonists themselves. And whether such a course were adopted, or the present rule through the Queen's representative

continued, the subsisting relations between Great Britain and her Transatlantic provinces would remain unchanged, and the responsibilities of the former practically undiminished. For with a long land frontier line swarming with marauders—with points of possible dispute bristling on all sides—with the risk of a fleet of armed American schooners covering the Canadian lakes, when the six months' notice already given of determining our treaty engagements in this behalf shall have expired—with the San Juan question still in abeyance—with the north-west boundaries of Canada still undefined—with the vast region which lies between the Red River and the Rocky Mountains left without any government at all, unless that of the irresponsible agents of the Hudson's Bay Company, at Fort Garry, be deserving of the name—with all these elements of political difficulty hanging over our Transatlantic dependencies, this is not precisely the moment when, whatever form of government they may choose, our implied engagements for some share at least of their military defence can be abruptly terminated.

The policy of retaliation, by which it was once supposed that, in the event of an invasion of Canada, we had only to bombard an American sea-port, for every inland town in our colonies that might be sacked, is, on the report of our own military engineers, now happily impracticable. At this very time it would cost, we are informed, half a million sterling to put the citadel and works of Quebec in a complete state of defence, and recent reports ordered by the Government on the North American frontier forts prove that a much larger expenditure may be necessary. In addition to these charges an armament may be required on the Lakes. It is time, therefore, to inquire by whom these expenses are to be borne? If further fortifications are deemed requisite for the protection of our North American colonists from attacks which they, it seems, do not apprehend, they may perhaps be manned, in case of necessity, by their own militia and volunteers; but whatever progress they may make in self-defence, it can scarcely be expected that, in a country so thinly peopled, and hitherto so thriftily disposed in military matters, a sudden jump from one-seventh of the total cost of their defence, which is all they now defray, to an assumption of the whole, is very likely to take place. Nor is it probable that if any prince of the blood-royal became to-morrow the adopted sovereign of British North America, any material reduction in the Imperial garrisons in those colonies would be immediately effected. But it is not in the spirit of the economist who desires to get rid, on the best possible terms, of a profitless estate, that the Government and Parliament of Eng-

land will approach this important question. They have accepted, at the instance of enlightened colonial reformers at home, a fair responsibility for the defence of their dependencies abroad from perils arising from the consequences of Imperial policy. Of that responsibility they are prepared honourably to acquit themselves, until the time shall arrive when all perils traceable to that policy shall cease to threaten the distant provinces of the British Empire.

But while voluntarily accepting the burdens inseparable from their costly and now profitless inheritance, the statesmen of England, aiming no longer, as of old, to retain in helpless minority those communities of her empire which combine the powers and qualifications of free states, hail with no feelings of apprehension or regret each symptom of nascent independence as it may disclose itself. By our past colonial policy, we have surrendered the prerogatives not less absolutely than the emoluments of empire, and their relinquishment has been based on a deliberate consideration of the best interests, both of the mother-country and her provinces. The people of England have no desire to snap asunder abruptly the slender links which still unite them with their Transatlantic fellow-subjects, or to shorten by a single hour the duration of their common citizenship. On the contrary, by strengthening the ties which still remain, they would convert into a dignified alliance an undignified, because unreal, subserviency. History has warned them that it is not by futile attempts to retain in an inglorious subjection its scattered satrapies, that the real greatness of a nation can be advanced, but rather by an attitude of watchfulness for the dawning of that inevitable day, when 'the 'years of their apprenticeship shall have been passed, and 'nature shall have pronounced them free.' By all the tokens of rapidly increasing material prosperity, by the still more important evidences of intellectual and political development, as manifested in the records of the recent Conference at Quebec, we are led irresistibly to the inference that this stage has been well-nigh reached in the history of our Transatlantic provinces. Hence it comes to pass that we accept, not with fear and trembling, but with unmixed joy and satisfaction, a voluntary proclamation, which, though couched in the accents of loyalty, and proffering an enduring allegiance to our Queen, falls yet more welcome on our ears as the harbinger of the future and complete independence of British North America.

ART. VIII.—1. *Memorials of King Henry VII.* Edited by JAMES GAIRDNER. London: 1858.

2. *Letters and Papers illustrative of the Reigns of Richard III. and Henry VII.* Edited by JAMES GAIRDNER. 2 vols. London: 1861–1863.

OF the volumes before us, the 'Memorials' were published in 1858, and the two volumes of the 'Letters' in 1861 and 1863. Divines, historians, and novelists are in the habit of discounting their literary reputation, if not of anticipating their more mature judgments, by publishing their works in instalments; but we could have wished Mr. Gairdner had abstained from this inconvenient practice. As the case stands, we have the benefit of some supplementary information from him in the shape of a Preface added rather than prefixed to the work; but a different scheme of publication might have admitted of a more convenient arrangement of the various contents of his volumes.

Mr. Gairdner's object has been to collect such fragments of historical documents as bear upon English history during the reigns of Richard III. and Henry VII. As yet the result can scarcely be considered as great; and although we have to thank him for placing in an accessible form many valuable papers, the reader must not look to his volumes for the same continuous series of historic documents which gives so great an interest to Mr. Bergenroth's Calendar of the Spanish State Papers, or to Mr. Stevenson's Calendar of the Foreign State Papers of the time of Elizabeth. It is indeed remarkable how rapidly after the accession of Henry VII. public correspondence and other historic memorials appear to have multiplied, and we would only notice as an illustration Mr. Stevenson's volume of 592 pages, containing the correspondence of scarcely two years, when contrasted with the documents contained in Mr. Gairdner's volumes.

So far as the reign of Richard is concerned those documents, though few in number, are of considerable interest. It will be remembered that, in the account of this reign given by historians, little information is forthcoming as to the foreign relations of England; but we come now on the traces of important negotiations which, had Richard's reign been prolonged, might probably have led to great results. These documents confirm the opinion of the political ability of the monarch,

which we expressed in a recent Number of this Journal. Richard had scarcely mounted the throne before he took measures to induce the Duke of Brittany to secure the Earl of Richmond, then a fugitive in that country; and Mr. Gairdner* gives us the instructions addressed to Thomas Hatton, the agent employed in the negotiation. The necessity was pressing, for, in the words of Grafton, the Duke of Brittany 'not 'only refused to keep the Earl of Richmond a prisoner, but 'also was ready to aid and succour him with men and money, 'and all things necessary for his transport into England.' Evidence of pecuniary assistance thus given to Richmond is presented by Mr. Gairdner† in the shape of a warrant for an advance to him of 10,000 crowns of gold, due provision being taken that the Treasurer should require a receipt for the same. The equivocal nature of a transaction in these times did not relieve it of its formal character, and an amusing instance of these practices may be given in the words of the Lord Great Chamberlain when pressed to give a receipt for a French bribe. 'This gift,' said the dignitary, 'proceedeth of the king your 'master's liberality, not of my request: if it please you that I 'shall receive it, put it here in my sleeve, and other letter or 'testimonial get you none of me.'

The Duke of Brittany did not, however, feel secure in the course he was taking, and in August, 1483, he sent George de Mainbier to inform Richard that Louis XI. of France was urging him to make Richmond over to his keeping, and that as the proposal was declined he threatened war on Brittany. To meet this danger he prayed succours from Richard; but the latter had other means of securing his ends so far as Richmond was concerned; for we learn from the pages of Grafton the particulars of the secret intrigues by which he made Brittany an unsafe residence for Richmond, who consulted his own safety by a flight into France.

Richard's true relations with Louis XI. derive a new light from Mr. Gairdner's pages. According to Commines—

'Immediately after King Edward's death Louis received letters from the Duke of Gloucester, who had usurped the Crown of England. . . . This king Richard sought the King's friendship, and was desirous, as I suppose, to have the pension paid to him. But *the King would make no answer* to his letters, neither gave his messenger audience, but esteemed him a wicked and cruel tyrant.' (P.210.)

But Mr. Gairdner publishes a letter (July 21, 1483)‡ from

* Letters, vol. i. p. 22. † *Ibid.*, p. 54.
‡ *Ibid.*, p. 25.

Louis to Richard, stating 'Si je vous puis fair quelque service 'je le feray de tresbon cueur, car je vueil bien avoir vostre 'amytié;' and Richard's reply (Aug. 18)*, stating, 'Je 'nentens point rompre telles trèves comme cydevant estoient 'conclutes.' The relations between the two sovereigns were, therefore, friendly, but we shall see presently that inducements were soon to be offered with a view to induce Richard to adopt a different line.

For whilst the above communications were in progress, Richard had opened negotiations with Ferdinand and Isabella of Arragon and Castille. His instructions to his agent Bernard de la Forse are given by Mr. Gairdner †, as well as the instructions which were in consequence addressed by Isabella to De Sasiola, an agent whom she sent to England in 1483.‡ From these papers it appears that Richard's desire for amity was reciprocal—that Isabella was prepared to confirm former treaties —and, lastly, that the agent was empowered to enter into arrangements with Richard by which the Spanish sovereigns would undertake to assist him in a war with France for the recovery of the territories formerly attached to the British Crown. But De Sasiola was also instructed to inform Richard that 'the Queen of Castille was turned in her heart from England 'in time past for the unkindness the which she took against 'the King last deceased, whom God pardon, for his refusing 'her and taking to his wife a widow of England. For the 'which cause also was mortal war betwixt him and the Earl of 'Warwick, the which took ever her part to the time of his 'death.' But now that Edward was dead, she stated her wish to follow her own inclinations in the shape of friendly relations with England.

The document we have quoted appears to have been unknown to Mr. Prescott, when, writing of Isabella's suitors, he stated § that among them 'was *a brother of Edward IV.*, not improbably 'Richard Duke of Gloucester;' and then proceeded to speculate on the amount of crime which might have been avoided had Gloucester's marriage with Isabella taken place. The cause, however, which Isabella ascribed for Warwick's hostility towards Edward does not affect Mr. Kirk's ‖ argument that the originating cause was the failure of Warwick's schemes for a French alliance, which was the result of the Woodville marriage.

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* Letters, vol. i. p. 34. † *Ibid.*, p. 23. ‡ *Ibid.*, p. 31.
§ Ferdinand and Isabella, vol. i. p. 173. (1854.)
‖ Life of Charles the Bold, vol. ii. p. 15.

But to return to the Sasiola negotiation. The overture was referred by Richard to his Council *; and Mr. Gairdner has discovered the cautious instructions given by the King to Bernard de la Forse† who, whilst he was authorised to renew the former treaties, was warned in any case to avoid any charges to which Richard might thereby be put.

Another proposal was also to be made to Richard with a view to induce him to break with France; and it is conveyed in one of the most interesting papers in Mr. Gairdner's collection, which indeed, except for its length, we should gladly have transferred to our pages.‡ The document to which we refer is the instruction which the Archduke Maximilian addressed to the agents sent by him to England in 1484; and it contains an admirable summary of the state of affairs then existing in the Low Countries. The bones of Charles of Burgundy would have stirred in the grave could they have been made to feel the position of his kin at this period. A Commonalty in Flanders assuming dominion—possessing themselves of his grandchildren—issuing edicts in the name of the youthful Philip—rebelling against Maximilian—and, as he alleged, forcing him into a disastrous treaty with France—all these facts are narrated in the instructions, and not without reference to a well-defined scheme of vengeance and retaliation. 'Ces choses,' said the Archduke, 'touchent non seulement 'mon dit seigneur mais aussi tous autres princes a l'auctorité 'et seigneurie desquelz il est actempte et contrevenu toutes et 'quantes foiz que subjectz se rebellent à lencontre de leurs 'princes;' and on this principle Richard was asked to forbid commercial intercourse between England and Flanders, and to supply troops for two years to assist Maximilian in reducing his rebellious subjects. In return for this assistance Maximilian offered Richard a force of 14,000 men for two years, and of 6,000 after that period, to assist him in the conquest of France. If, however, Richard should prefer a war with Scotland, half the above aids was offered; but the negotiators were directed to use their utmost efforts to prevent Richard from making peace with France, and were informed of Maximilian's fixed determination to recover Burgundy from France. Nor was this all. Maximilian had learnt that an embassy had arrived in England from Brittany, and his agents were directed to propose an alliance between himself, Richard, and the Duke of Brittany on principles of mutual assistance as

* Ellis, 2nd series, vol. i. p. 152.
† Letters, vol. i. p. 48.
‡ *Ibid.*, vol. ii. p. 3.

against France, and on an understanding to be guaranteed by Maximilian that the Duke of Brittany would give no further aid to Richmond and his followers.

Had the duration of Richard's reign given him opportunities of availing himself of the overtures thus made from so many quarters, there can be little doubt that events of a stirring and important character must have ensued. If we only take the proposal of a tripartite alliance between Richard and Maximilian and the Duke of Brittany, we find ourselves in the midst of the same combination which in the time of Charles the Bold had shaken the stability of the French throne. But these things were not to be, and the battle of Bosworth left it to Henry VII. to gather up the threads of these proposals and to fashion new intrigues and political combinations.

Mr. Gairdner has given us a few other papers of the period of Richard, which do not, however, call for special remark. Some of them relate to a negotiation for a truce with Scotland, and others relate to Irish affairs and the Earl of Desmond. For the amusement of our readers we will only add that in Richard's instructions to the agent sent to Desmond, provision is made that the Earl should 'renounce the usage and wearing of Irish 'array,'* and the envoy was furnished with certain parcels of clothing to be given to him comprising, amongst other articles, 'thre shertes and kyrcheffes, thre pair of hosen, oon of scarlet, 'another violet, and the third black.' Nor would these garments seem quite superfluous if we are to judge of Irish costume from Lindsay's statement where he says the Scotch were clothed after the Irish manner 'with ane mantle—ane schit, going 'bare legged to the knee.'†

We find also an account‡ of the funeral rites of Edward IV. from an imperfect manuscript in the Herald's College, to which Mr. Gairdner adds an extract from another account in which it is stated that at the conclusion of the ceremony, 'all the heralds threw their coats of arms which belonged 'to the King into the said grave, and immediately there 'was rendered to them other coats of arms of the King of 'England which they put on.' The whole ceremonial was, however, simple in character if compared with the elaborate ceremonial at other royal funerals, as, for instance, that of Charles V., described in Mr. Stevenson's volume of the State papers of Elizabeth.

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* Letters, vol. i. p. 69.
† Chronicles of Scotland, vol. i. p. xxiii.
‡ Letters, vol. i. p. 3.

We have seen how already in the time of Richard, the web of foreign intrigue and interference was drawn around England. The fact becomes far more apparent in the reign of Henry VII., and as it has scarcely received as yet sufficient attention from historians, we propose now to examine the principal documents which bear on the subject.

The first of these papers which deserves to be cited is the correspondence relating to Perkin Warbeck, an episode in the history of Henry which has always been the subject of much interest and some doubt. Mr. Gairdner expresses his suspicion that the story of Warbeck 'has, like other marvellous tales, 'gained considerably in the telling;' and he considers that the account given by Lord Bacon in his history of Henry VII. was such as to justify even Walpole's historic doubts. He speaks of the 'misconceptions' of Bacon, and states that 'if we 'divest the story of Perkin Warbeck of those startling features 'which have been ascribed to it by Lord Bacon, we only find 'that he was one of a series of impostors rather cleverer than 'the rest.'*

Mr. Gairdner asserts that Bacon, in quoting from the contemporary annals of Bernard André, has mistaken his meaning. The instances he gives do not, however, appear to be important. It is easy to believe that Bacon, in describing the reception of Henry in London, may have read the word *lætanter* as being *latenter;* and it appears to us wholly unnecessary to qualify Bacon's detailed description of Margaret's instructions to Warbeck 'as a clumsy fiction to account for 'facts which could not be denied.' Bacon's details cannot indeed be literally accepted any more than André's account of Henry's pious thanksgiving after Bosworth. Both historians, after the fashion of their time, filled up their descriptions with such accessories as seemed to them characteristic of the event; and we do not admit that in giving this form to their narrative they resorted to 'clumsy fictions,' or necessarily diminished their own authority in the relation of facts.

Mr. Gairdner further points out as an error Bacon's account of the origin and parentage of Warbeck. André states that Perkin was brought up (*educatum*) by a Jew named Edward, to whom Edward IV. had stood godfather. Bacon, however, according to Mr. Gairdner, not only states that Warbeck was the *son* of a converted Jew, 'but also committed the egregious 'blunder of making Perkin himself King Edward's godson. '. . . Nor does the mistake end here, for Lord Bacon adds

* Memorials, p. xxx.

'*a conjecture of his own* (which Hume further improves by 'giving it as an opinion of contemporaries), that Perkin was 'not only King Edward's godson, but also his son.' Mr. Gairdner has here adopted the views of Sir F. Madden in his elaborate essay on the history of Warbeck*: and Madden's estimation of Bacon's work was not high. 'It is little more,' he says, 'than a repetition of what he found in preceding 'writers, eked out and embellished in a style accordant with 'the prevailing taste of his time.' We are, however, not prepared to accept this estimate, and we rather adopt the higher view of Bacon's merits as an historical writer which are very well expressed by Mr. Spedding, a most competent critic, in his striking and interesting preface to the 'Life of Henry VII.'† Bacon certainly describes Perkin as the son of the converted Jew, and gives the story as to his royal godfather. The error is in itself of minor importance, except as leading to Bacon's inference of the effect which such a relationship might have had on the imagination of Perkin. But such a result might, under any circumstances, have been likely to occur; for, as Mr. Spedding has observed, Perkin, according to André's narrative, was, in one capacity or another, a member of the family of the Jew convert, King Edward's godson, and he must thus in early life have been familiarised with facts and associations most important as regards the character which he was hereafter to assume. But as regards Bacon's description of Warbeck and his fortunes, we find it prefaced by the following passage:—

'There was *a circumstance which is mentioned by one that writ in the same time*, that is very likely to have made somewhat to the matter: which is that King Edward IV. was his godfather. Which, as it is *somewhat suspicious* for a wanton prince to become gossip in so mean a house, and *might* make a man think that he *might* indeed have in him some base blood of the house of York; so at the least, though that were not, it *might give the occasion to the boy*, in being called King Edward's godson, or *perhaps in sport* King Edward's son, to entertain such thoughts into his head.'

Our italics are scarcely needed to show that in giving the narrative to which this passage was the introduction, and as it were the key-note, Bacon did not propose to give an historic narrative of actual events. If he records the story regarding Perkin's godfather, he describes it as 'a circumstance mentioned' by an anonymous contemporary. The circumstances are 'some-

* Archæolog., xxvii. p. 153.
† Bacon's Works, vol. vi. (1858.)

'what suspicious,' and the effects as regards Perkin are carefully defined as possible contingencies. Surely this affords no justification for Mr. Gairdner's charges against Bacon of 'egregious 'blunders,' and of 'conjectures of his own.'

Mr. Gairdner also gives as an instance of Bacon's 'miscon-'ceptions' his account of the investigation stated to have been ordered by Henry into the circumstances of the murder of the Princes in the Tower, an account which he considers would go far to justify Walpole's argument that as regarded the two surviving accused parties, Dighton was only a wretch hired to assume the guilt of a crime he had not committed, and Tyrrel was too honourable to commit the act. 'If Henry,' says Mr. Gairdner, 'with all his efforts could produce no more satisfac-'tory proof that the murder was really perpetrated, he must be 'held to have failed indeed.' The reader would suppose from Mr. Gairdner's remarks that Bacon refers to the results of the examination of Tyrrel and Dighton as conclusive regarding the murder. But the fact is that Bacon lays claims to no such result. All that he states, assuming that the examination did take place, may be summed up in his own words:—

'Thus much was then delivered abroad to be the effect of these examinations; but the King nevertheless made no use of them in any of his declarations. Whereby as it seems those examinations *left the business somewhat perplexed*. . . . Therefore, this kind of proof *being left so naked*, the King used the more diligence . . . for the tracing of Perkin.'*

There remains the question whether Bacon is correct in stating that the examination had taken place. The statement appears to rest on his sole authority. Sir Thomas More indeed states† that 'at such time as Sir I. Tyrrel was in the Tower 'for treason committed against King Henry VII., both 'Dighton and he were examined;' but Mr. Spedding has pointed out‡ that the period when Tyrrel was in the Tower was many years later, namely, in 1502, and that amongst the persons then arrested there is no mention of Dighton. It does not, however, follow that no examination had taken place previous to 1502; and Mr. Spedding has shown that, taking into account the exigencies of the time, there are good grounds for believing that such an examination may have been set on foot. Under these circumstances we think that our readers will concur with us in the opinion that the matter is by no

* Bacon's Works, vol vi. p. 143.
† Life of Richard III., p. 132. (1821.)
‡ Bacon's Works, vol. vi. p. 141.

means so clear from doubt as to warrant Mr. Gairdner in referring to it as an instance of Bacon's 'misconceptions.'

As to Mr. Gairdner's further charge against Bacon of 'blundering statements' as proved by his account of the countenance and patronage which were subsequently extended to Tyrrel by Henry, it is sufficient to remind our readers that Henry was not overscrupulous as to the character, public or private, of his agents. Mr. Gairdner's own pages explain how, as in the cases of Sir Robert Clifford and Sir Robert Curzon, his agents might easily pass through the gradations of traitor, spy, and favoured employé. Nor can we forget that for purposes of greater deception, Henry frequently caused his own agents to be proclaimed as traitors at Paul's Cross.

But as regards Warbeck's early history, we find that Mr. Gairdner considers that the most satisfactory document yet discovered is his own confession printed by Henry's command*, in which he also notices the absence of any reference to the influence of the Duchess Margaret.† Bacon, however, states that the confession was printed *in extract:* —

'Wherein,' he says, 'the King did himself no right. For as there was a laboured tale of particulars, . . . there was little or nothing to purpose of anything concerning Perkin's designs, or any practices that had been held with him, nor the Duchess of Burgundy . . . so much as named or pointed at. So that men missing of that they looked for, looked for what they knew not what, and were in more doubt than before. But the King chose rather not to satisfy than to kindle coals.'‡

The inconvenient result of the step taken by Henry does not admit of question, but it was consistent with his character and policy; for he could scarcely have desired to record the hostile intentions of so many sovereigns, who had in turn aided and abetted Warbeck, or to register their more or less formal recognition of his claims.§ Margaret's interference was at all events avowed and notorious. Henry himself in writing to Sir G. Talbot ‖ in 1495, spoke of 'the great malice that the 'Lady Margaret beareth continually against us, as she showed 'lately in sending hither of a feigned boy.' Mr. Gairdner also gives us a memorial which she addressed in the same year

* Letters, vol. i. p. l. † *Ibid.*, vol. ii. p. lii.

‡ Bacon's Henry VII., p. 195. (Spedding's edition.)

§ Other versions of the Confession may, however, have been current; as, for instance, the one in the Harleian Miscellany, vol. xi. p. 367; but this version is not consistent with Grafton, to whom the writer refers.

‖ Ellis's Letters, 1st series, vol. i. p. 20.

on behalf of Warbeck to the Pope*, and there is extant a letter† from Ferdinand and Isabella to De Puebla, showing that she had made a similar communication to them.

Late investigations have thrown much light on the extent to which foreign sovereigns were disposed during Henry's reign to interfere actively in matters of internal concern in England, and no better evidence can be given than that which is afforded by the proceedings in regard to Warbeck and Edmund de la Pole, Earl of Suffolk. As regards the former it is to be observed, that although much ingenuity and research have been devoted to the subject, his history has generally been considered rather in the light of a romantic episode, and Henry has been accused of attaching too much importance to his pretensions. And in the case of Edmund de la Pole, even Bacon appears to have considered that Henry had committed an error in policy. It may therefore be useful to examine these two cases with reference to the correspondence both in Mr. Gairdner's and Mr. Bergenroth's volumes, and we are of opinion that the result will go far to justify the activity and vigilance of Henry.

Warbeck's own statement of the encouragement given to him by foreign princes up to the year 1493, previous to which date he had already been received in Ireland, France, and Burgundy, is contained in a letter which he addressed to Queen Isabella on the 25th of August 1493. In this letter‡ he states that the King of the Romans, the Archduke Philip, as also the Sovereigns of Saxony, Denmark, and Scotland, had shown themselves friendly to his interests. Nor were these assertions eventually denied by Henry himself. For De Puebla records an interview which took place between Henry and Warbeck when a prisoner, in the course of which the King said in his presence that Warbeck had deceived the Pope, the King of France, the Archduke, the King of the Romans, the King of Scotland, and almost all Princes of Christendom except Ferdinand and Isabella. The object of Ferdinand and Isabella, at this period, was to attach Henry to their interests as against France; and for this purpose they were ready to exert their influence to bring about a good understanding between England and Scotland, and to relieve Henry from all apprehension that the King of Scotland would espouse Warbeck's cause. Accordingly they informed Henry § that they had returned no answer to an appeal which Warbeck had made for

* Memorials. p. 393.
† Bergenroth. p. 61.
‡ *Ibid.*, pp. 50. 61.
§ *Ibid.*, pp. 61, 67, 71.

their assistance; and they also stated that whilst it was their intention to avail themselves of the arrival of a Scotch ambassador to induce James IV. not to assist the 'so-called Duke of 'York, who seems to have turned out an impostor,' they would also send an embassy to negotiate peace between Henry and James. Not only did they thus designate Warbeck as an impostor, but they offered to prove him to be so.

'With respect,' said they to De Puebla in 1496, 'to what you write, that the King of France has sent a paper with the seal of his Council, and a declaration from the king of arms of Portugal, stating that he of York is the son of a barber and offering to send over his father and mother, we have to observe that if the King of England wish something of the kind we can do it much better than the King of France. We can send him the declarations of many persons who know him.' (*Bergenroth*, p. 92.)

And in 1497, we find* that Ferdinand and Isabella were causing the evidence they had collected to be translated into Latin, with a view to its being sent to Henry with notarial certificates.†

Warbeck's proceedings in the Netherlands had in the meanwhile called for active measures on the part of Henry, who despatched Poyning and Warham, in 1493, to request Philip to banish the fugitive from his dominions.‡ Philip's reply was that he himself would abstain from assistance, but that as regarded Margaret 'she was absolute in the lands of her dowry, 'and he could not interfere.' The value of this reply is best judged by a reference to a treaty §, which in 1496 he concluded with Henry, in which it is not only stipulated that Philip should prevent the duchess from aiding or harbouring English rebels, but that he should deprive her of her domains if she contravened the engagements.

It seems, however, that even in this quarter Warbeck did not receive the aid he expected ‖, for he thence proceeded to the Court of the King of the Romans, where his intrigues soon

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* Bergenroth, p. 135.

† It is curious, however, to find that in the key to the cipher of the Simancas Correspondence Warbeck's name is inserted in the chapter specially reserved for royal personages (Bergenroth, Pref. lxxxiv.); and Mr. Bergenroth notices that it was only when Warbeck was a prisoner in Henry's hands that Ferdinand and Isabella alluded to him otherwise than as the 'so called Duke of York,' or 'he of 'York,' p. 147.

‡ Bacon's Henry VII., p. 145.

§ Dumont, Corps Diplom., vol. iii. pt. ii. p. 336.

‖ Vignolle's Deposition, Letters, vol. ii. p. 321.

attracted the attention of Henry, who directed his agent Machado secretly to call the attention of Charles VIII. of France to the intention of the King of the Romans to give assistance 'au garson qui se fait renommer Plantagenet.' There is direct evidence, indeed, that Maximilian gave a favourable reception to Warbeck*; and when eventually the latter withdrew, we find Ferdinand and Isabella excusing Maximilian to Henry on the ground 'that it would not be honest if he not 'only abandoned him of York, but also declared directly 'against one whom he had entertained and always favoured.'†

The records at Venice, however, supply conclusive evidence of the interest taken by Maximilian in the fortunes of Warbeck. In 1495 we find his ambassador at Venice reporting to the Signory that the free action of his Sovereign was impeded 'by 'his having to despatch the Prince of York—the new King of 'England—for the defence of his right:' and Maximilian himself told the Venetian ambassadors Contarini and Trevisan that Perkin had made a successful landing in England, 'whereat His Majesty rejoiced greatly as he could dispose of 'this Duke of York *ad libitum suum.*'‡

Again, in 1496, when the parties to the Holy League were negotiating for the entrance of Henry into the Confederation, Contarini reported that Maximilian raised difficulties on Warbeck's account, 'whom he firmly believed to be the son of 'King Edward, and whom he considered it his duty not to 'abandon.' And in a later despatch he mentioned that Maximilian was temporising on the ground, as he himself stated, that Warbeck, '*who had embarked in the undertaking at* '*his persuasion,*' was prospering, and hoped for victory.

Perkin had now, however, transferred his intrigues to Scotland, and Ferdinand and Isabella professed their belief that if James were to assist him, the King of the Romans or the Archduke would espouse his cause.§ But they still remained consistent in their policy, and promised Henry that their ambassador in Scotland would prevent James from aiding Warbeck, whilst they employed their influence with Maximilian, with Philip, and the Pope in favour of Henry. De Puebla, the Spanish ambassador in England, appears to have counselled his sovereigns to establish their influence over Henry by getting Warbeck into their own hands. 'That,' said he, 'is the most

* Letters, vol. ii. p. 296. Memorials, p. xlii.
† Bergenroth, p. 72.
‡ Rawdon Brown, Venet. Cal. I. p. 221.
§ Bergenroth, p. 90.

'important point, that is the whole thing. That done, and the 'King of Scotland detached from France, the King of France 'will accept any conditions imposed by Spain.' Nor was his advice entirely disregarded, for his royal masters informed him that though they would not entice Warbeck to Spain, if the ambassador could get him into his hands, he was at liberty to do so. Spanish interference was thus transferred to Scotland. The vanity of James was flattered by direct negotiations between the two Courts, and expectations were held out of marriages between the two Royal families. These expectations Ferdinand and Isabella never proposed to realise; the very instructions as to the proposed alliance informed the negotiators that they 'had no daughter to give.' James was to be 'put off 'with vain hopes,' to be 'amused as long as possible;' in short, the real object of the negotiators was to be a peace between England and Scotland, and with that object a marriage between James and Henry's daughter Margaret.

The agent selected to carry out these instructions was Don Pedro de Ayala, of whose abilities a very favourable estimate may be gathered from the Simancas Archives. For the entertainment of our readers we transcribe the following passages from Ayala's report on Scotland and James IV. in the year 1498. Of James he says:—

'He fears God and observes the precepts of the Church. . . . He would not ride on Sunday for any consideration. He says all his prayers. Rarely, even joking, a word escapes him that is not the truth. He prides himself much upon it, and says it does not seem to him well for kings to swear their treaties as they do now. He is courageous, even more than a king should be.'* (*Bergenroth*, p. 168.)

Don Pedro 'had sometimes clung to his skirts and kept him 'back. God has worked a miracle in him, for I have never 'seen a man so temperate in eating and drinking out of Spain. 'Indeed such a thing seems to be superhuman in these 'countries.'

Of Scotland, the ambassador wrote:—

'The country is large. Your Highnesses know that these kingdoms form an island. Scotland is nearer to Spain than London, and the voyage is not dangerous. Both kingdoms are of equal extent. The Scots are not industrious, and the people are poor; but Scotland has improved of late because foreigners have come into the country

* It is curious to observe how well Ayala's report tallies with many of the particulars in Lindsay's Chronicles. As regards James's death at Flodden, Lindsay says the King 'may be justly said to have 'tint himself through his own rashness and greater fool hardiness 'nor was requisite in a king.' (*Chron. of Scot.*, vol. i. p. 280.)

and have taught them how to live. The people are handsome, and as well dressed as it is possible to be in such a country as that in which they live. The women are courteous in the extreme. I mention this because they are really honest though very bold. They dress much better than Englishwomen. There is a good deal of French education, and many speak the French language, for all the gentlemen who have no property go to France and are well received there, and therefore the French are liked.'

We must now, however, return to the Scotch negotiation, and we find that Don Pedro was not to be the only representative of Henry's interests—Ramsay, Lord Bothwell, was to appear on the scene, and we are indebted to Ellis for his reports on the subject.* Ramsay, Lord Bothwell, had been attainted in Scotland, in 1488, and then took refuge in England, where he is said to have entered into covenants for the delivery of James into the hands of Henry.† It would seem from a very mutilated document printed by Mr. Gairdner‡, that Henry was at the same time gaining over the Earl of Angus to his interests; but he had adopted a new course of proceeding when in 1496 Bothwell again returned to Scotland to be restored to the favour of his own sovereign, being however, as appears from his own letters, little better than a spy and agent of Henry.

The complicated position of affairs at this period is worth noting as characteristic of the times. Ferdinand and Isabella were secretly pressing a marriage between James and Margaret, Henry's daughter, whilst they were at the same time deluding James with the hopes of a marriage with Spain. Concressault§, the French agent in Scotland, ostensibly engaged in an endeavour to bring about peace between Henry and James, was secretly offering a bribe to James for the surrender to France of Warbeck, with whom Concressault was, nevertheless, on terms of daily concert. Warbeck was imploring aid from

* Ellis, 1st series, vol. i. pp. 22–32.

† Rymer, vol. iv. p. 29 (quoted by Ellis).

‡ Letters, vol. i. p. 385.

§ Lingard (vol. iv. p. 310) states as a certainty that this agent was sent to Scotland at the instance of Henry, but from a despatch of De Puebla's (*Bergenroth*, p. 111) it would seem that Henry misliked the embassy and proposed to delay the agent on his passage through England. Such a step was not unusual on Henry's part. In 1497 we find the Milanese agent in England reporting of him: 'He well knows how to temporise, as demonstrated when the French 'ambassadors wanted to go to Scotland under pretence of mediating 'for the peace; but he entertained them magnificently, made them 'presents, and sent them home without seeing Scotland.' (Venet. Cal. I. p. 261.)

Ferdinand*, and also the assistance of James, to whom he offered Berwick and a pecuniary subsidy. And lastly, Bothwell, in confidential intercourse with James, was secretly inciting Henry to commence hostilities against Scotland.

From this game of cross purposes it is a relief to turn to the clear instructions which Henry addressed in the following year to Fox, Bishop of Durham†, who was directed to negotiate a treaty with James providing for the surrender of Warbeck, although, as Henry stated, 'the surrender or having 'of him is of no price or value.' Failing that, Fox was desired to press for an embassy from Scotland, to be followed by a personal interview between the two sovereigns. A confidential instruction was, however, added by Henry. The surrender of Warbeck was to be the object of Fox's best endeavours; but Henry felt that 'our subjects are sore wearied, 'and also the issue of battle is full uncertain;' and accordingly, in case he could not bring about the surrender, Fox was empowered to accept the terms previously offered by James. No immediate result appears to have followed this negotiation, but the relations between the two sovereigns were soon to assume a peaceful character. The countenance afforded by James to Warbeck was politely withdrawn, and the policy of the Spanish Sovereigns was successful in bringing about a union between James and Margaret.

How far James did really accept the authenticity of Warbeck's claims must, we think, remain doubtful. The language which Bacon ascribed to James was‡, 'That he for his part 'was no competent judge of Perkin's title, but that he had 'received him as a suppliant, protected him as a person for 'refuge, espoused him to his kinswoman, and aided him with 'his arms upon the belief that he was *a* Prince.' On the other hand, there is evidence§ that James was prepared to agree to a peace with Henry, on terms which would have secured him from Warbeck, on condition that Ferdinand and Isabella had carried out the expectations they held out of a marriage with Spain.

Be this as it may, the abandonment of Warbeck's cause by James was soon to be followed by the failures which placed Warbeck as a prisoner in the hands of Henry; when not even the walls of the Tower could quell a spirit of enterprise,

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* Letter to Bernard de la Forse, Bergenroth, p. 130.
† Letters, vol. i. p. 104.
‡ Bacon's Henry VII., p. 186.
§ Isabella to De Puebla, Aug. 18, 1496, Bergenroth, p. 115.

which in the shape of an intrigue with Warwick hastened a fatal conclusion, more congenial to Warbeck, perhaps, than the inaction and insignificance of a prolonged confinement. Looking to his history, one cannot but give credit to Bacon's description * of Warbeck, when he wrote 'He had such a crafty 'and bewitching fashion both to move pity and to induce 'belief, as was like a fascination and enchantment to those that 'saw him and heard him;' and we are ready to accept as an evidence of his accomplishments and of his chivalrous nature, the letter to Katharine Gordon which Mr. Bergenroth with good grounds has attributed to him.†

Of scarcely inferior interest to the correspondence regarding Warbeck are the documents which relate to Edmund de la Pole, Earl of Suffolk; and here again we have ample evidence of the difficulties which Henry had to encounter in the shape of foreign intrigues.‡ From these, if we are to believe his own words, he at first thought that he would be exempt.§ But he was shortly to be undeceived; for in 1501, we find Maximilian stating to Sir R. Curzon (on whose intrigues with Suffolk Mr. Gairdner has thrown much light ‖), that 'if he might have 'one of King Edward's blood in his hands, he would help him 'to recover the crown of England.' When, however, the wished-for opportunity occurred, and Suffolk was a fugitive at his Court, Maximilian, with characteristic unstableness, changed his tone. Promises of material assistance were followed by attempts to make him over to the good offices of other princes. Advising Suffolk at one moment to come to terms with Henry, at another hinting at a rupture between himself and Henry, it is not surprising that the final impression he produced on Suffolk was, that the safe conduct granted to him was of little value, and that he should look elsewhere for aid.¶ Henry in the meanwhile was not idle. Steps were taken by him to induce the French King to obtain the surrender of Suffolk**, and Somerset and Warham were despatched on a mission to Maximilian, the ostensible object of which was the arrangement of aids against the Turk, but the real purpose the conclusion of a treaty containing an article for the reciprocal extradition of rebels. The lengthy documents connected with this negotiation are given in Mr. Gairdner's pages††,

* Henry VII., p. 133. † Bergenroth, p. 78.
‡ Instructions to Gilford and Hatton in 1499.
§ Letters, vol. i. p. 129. ‖ *Ibid.*, p. 134. ¶ *Ibid.*, p. 177.
** Baker's Despatch, Lett., vol. ii. p. 344.
†† Letters, vol. i. pp. 152, 168, 189; vol. ii. p. 106.

but for our purposes it may be sufficient to state that the result was the conclusion in 1502 of a treaty*, according to which Maximilian bound himself not to receive English rebels, 'even if they were of ducal rank,' a stipulation evidently directed against Suffolk.

The mutilated condition of the manuscripts to which we have referred makes it difficult to extract from them any continuous sense. Curious questions were, however, raised in the course of the discussions; and we would cite for instance the point regarding the power of the Emperor to enter into engagements, except so far as the territories of his inheritance were concerned—the determination expressed by Henry to deal himself with the appropriation of funds collected for a crusade—and the curious stipulations by which the interchange of the Garter and the Toison d'Or between the two sovereigns and their sons was made a matter of treaty obligation. Not less remarkable was the obstinacy with which Maximilian, even after the signature of the treaty and after he had solemnly sworn to observe its provisions, endeavoured, so far as Suffolk was concerned, to escape from the performance of his obligations; and we find him at the last sending a mission to Henry with a view to defer the period of Suffolk's banishment, which according to the terms of the treaty was absolute and immediate.

Again as in the case of Warbeck, we trace the interference of Ferdinand and Isabella, who not only pressed Maximilian to make Suffolk over to Henry, but instructed their ambassador to make arrangements for the transfer.† In this, however, he failed. Maximilian appears to have sanctioned the departure of Suffolk, and we next have to deal with the latter in relation to the Duke of Guelders and the Archduke Philip. Maximilian's proceedings in this respect were the subject of bitter complaint on Henry's part, but as for Suffolk he had not much improved his position.‡ The Duke of Guelders at first granted him an asylum which called forth a strong remonstrance from James of Scotland §; but the asylum soon came to be virtually a prison, for, according to a report of Quirini, the Venetian ambassador at Antwerp, the Duke received pecuniary assistance from Henry in return for Suffolk's detention ‖, and it was also reported that he had made overtures to sell him to Henry.¶

* Dumont, Corps Diplom., vol. iv. pt. i. p. 34.
† Memorials, pp. 412, 268; Bergenroth, p. 326.
‡ *Ibid.*, p. 335.
§ Letters, vol. ii. p. 192.
‖ Venet. Cal. I. p. 302.
¶ Bergenroth, p. 336.

Henry appears at this time to have been in communication with Louis XII., with a view to obtain possession of Suffolk; but it is scarcely a matter of surprise to find him puzzled by all these intrigues, and sending in 1505 an agent to ascertain what were Suffolk's relations with the different sovereigns.* What Suffolk's own position was at this period, appears fully in his letters, to which we shall presently refer; but before the year 1505 was concluded, Philip had got him in his possession, and, as Quirini stated, hoped thus 'to keep the bit in the 'mouth of Henry.'† And it was so generally believed that a quarrel would ensue between Henry and Philip‡ that Maximilian sent a secret mission to confer with Henry. The solution of the question was, however, destined to be the result of direct arrangements between the two principals, and the surrender was one of the advantages secured by Henry, on the occasion of the chance visit of Philip to England in 1506.

It will be remembered that the engagements then contracted by Philip have often been described as the result of a gentle compulsion. But we find that Quirini, who accompanied Philip to England, wrote *previous to his departure from Ghent* that it was the wish of Philip 'to arrange all differences and to ally 'himself with Henry as closely as possible, for the safety of 'his country during his absence, *and in order to secure a free 'passage to Spain should fortune cast him on the soil of Eng-'land*;' and at a subsequent period Quirini reported that Philip and his attendants bestowed the highest praise on Henry, 'who could not have done more even had he been 'Philip's father.'§ James IV. of Scotland, also, does not appear to have regarded the interview in an unfavourable light, for we find in a letter from him to Philip‖, that the latter had said of Henry's conduct towards him, 'nec filio quidem suo 'pluris quicquam optandam fuerit.' At all events, there was no lack of state ceremonial, as we learn from twenty-one pages in Mr. Gairdner's volume; and if there was any truth in the alleged compulsion, we will only regard it as explaining the statement of Elizabeth's minister, Challoner¶, that when he offered English hospitality to King Philip on his going to Spain in 1559, the proposal was received *with a smile*.

Be this, however, as it may, treaties were then signed for the mutual extradition of rebels; but according to Bacon's account**,

* Bergenroth, p. 350. † Venet. Cal. I. p. 305. ‡ *Ibid.*, pp. 369, 370.
§ *Ibid.*, pp. 308, 315. ‖ Letters, vol. ii. p. 211.
¶ Stevenson, Cal. State Papers of Elizabeth.
** Bergenroth, p. 380.

the actual surrender of Suffolk was the result of a personal arrangement, and a joint message was sent to Suffolk, 'who, 'upon gentle words used to him, was soon charmed and willing 'enough to return assured of his life, and hoping of his liberty.'*

There are grounds† for believing that Philip did receive written assurances from Henry in favour of Suffolk. Quirini states that the surrender was promised on a condition sworn to by Henry that Suffolk should be pardoned and restored to his property; and when Suffolk, on his arrival in England, was imprisoned in the Tower, he added that it was by order of the English Council, who 'will subsequently draw up another 'edict acquitting him, and restoring his property, as they pro-'mised the King of Castille.'‡ Lingard, however§, quoting Hale and Spede, asserts that Henry before his death left an order for Suffolk's execution as a legacy to his successor; and this statement is not inconsistent with Lord Herbert's account‖, that in 1513 'it was thought fit that Edmund de la Pole should 'have his head struck off, our King therein executing what his 'father Henry at his departure out of the world commanded.' Herbert hints that Henry VIII. took this step in consequence of a correspondence between Suffolk and his brother Richard, then in the French service. If so, the catastrophe was anticipated by Suffolk's adherent, Killingsworth, with curious foresight, when he wrote in 1507 to Maximilian¶, 'de malo in 'pejus potuit sequi prædicto domino Edmundo existente in 'manibus regis Angliæ, si dominus Ricardus esset in Francia 'vel ad mandatum Francorum.'**

We have entered at such length into the details of Suffolk's case for two reasons: the first being that they have as yet been slightly noticed by historians, and, secondly, as proving the mistake of the writers who consider that Henry attached an

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* Henry VII., p. 232.

† A. de Croy to Maximilian, Bergenroth, p. 38.

‡ Venet. Cal. pp. 316, 319.

§ Vol. iv. p. 333. ‖ Life of Henry VIII., p. 36 (1649).

¶ Letters, vol. i. p. 316.

** As regards Richard de la Pole, it may be observed here, that as late as 1523 his pretensions were treated as a danger to England. Lord Surrey, in then writing to Wolsey, stated that the Duke of Albany was boasting in Scotland that Richard was coming to that country, where he would receive great assistance; and Surrey therefore advised precautions in Wales, where he was expected first to land. Ellis's Letters, 1st series, vol. i. p. 231. See also the despatches of Giustinian in Rawdon Brown's 'Four Years at the Court of 'Henry VIII.,' vol. i. p. 260; vol. ii. pp. 174, 245.

exaggerated importance to the possession of Suffolk. It could hardly have been consistent with Henry's character to undervalue the influence which Suffolk had gained in so many quarters; but Suffolk himself was at no pains to conceal his own designs, as evidence of which we would refer to a letter which he wrote in 1502 to Sir G. Nevill *, wherein, on the occasion of Prince Arthur's death, he stated that if Prince Henry were also to die there would be no doubt of his own title to the throne; adding, significantly, 'hoc promitto vobis 'Henricus et ego nunquam simul erimus in Angliâ sine meo 'vel suo damno.' And it was only in 1506, after the frustration of all his hopes, that he offered to return to his allegiance, on condition that all his property and honours should be restored to him.†

So far, however, as we can judge from the correspondence of Suffolk given by Mr. Gairdner, Henry can scarcely have grounded his fears on the personal qualities of such a pretender. Illiterate even beyond the times when they were written, the letters are marked by an absence of dignity and by a miserable querulousness of tone. It is true the latter may have been to some extent justified by the hardships of his position, his poverty, and his dependence on the uncertain alms of wavering supporters; but if he could bring no better arguments to enlist the sympathy of his patrons than those contained in the letters, there is little reason for surprise at the treatment which he experienced at their hands.

We would next refer to some interesting papers in Mr. Gairdner's volumes which relate to Henry's relations with Rome after 1500, the year of the Jubilee. The first of these is the Bull ‡, then sent to England for the benefit of those who could not visit Rome, inviting contributions to be appropriated (as alleged) towards the expense of the operations against the Turks. Amongst other curious provisions contained in this Bull, was the power given to the Pope's 'Orator and Commissary' in England, to enter into pecuniary arrangements by which not only were all persons spiritual or temporal who were guilty of simony confirmed in the possessions they had illegally obtained, but he also was authorised, on like terms of composition, to license all persons wrongfully holding the goods of others, 'that 'they may lawfully keep and occupy the same.'

Jasper Pons was at this time Orator of Alexander VI. in England; and Bacon says§ he 'carried the business with great

* Letters, vol. i. p. 177.
† *Ibid.*, p. 280.
‡ *Ibid.*, vol. ii. p. 93.
§ Henry VII., p. 209.

'wisdom *and semblance of holiness*, insomuch as he levied great 'sums of money within the land to the Pope's use, *with little* or 'no scandal.'* There was a rumour that Henry shared in the spoils, but Mr. Gairdner prints a letter of Cardinal Hadrian's, in which credit is given to Henry, for that he alone among Catholic Princes had allowed the collection in England for the Pope's uses without appropriating the money! This same Pons also brought to Henry a brief exhorting him to come in person, and with his fleet to act against the Turks. Henry's reply is given in Ellis's Letters†, and it is a most characteristic document. All praise is given to the sovereigns who intend to undertake the crusade, *but* as for Henry, distance prevents his joining them, and others could assist at greater advantage and less cost. *If* a leader can be selected, then he would give assistance in men and money. But *if* no leader could be chosen, sooner than allow the Pope to go alone, Henry would join him in person, and with all his forces, *provided always*, first, that the Pope supplied a fleet and supplies, and secondly, that all differences were previously suspended between Christian Powers.

Ferdinand and Isabella were about the same time urging Henry to join the Crusade‡, but it is amusing to find that when they became aware of the course he was disposed to pursue, they advised him himself to employ any funds collected in England, in fitting out a fleet to co-operate in the Crusade, but not to send the monies to the Pope, who they said would expend them for some other purpose.§

In 1505 a proposal for a crusade originated in another quarter.‖ The King of Portugal made overtures to Louis XII. of France and to the Queen of Castille, and these sovereigns declared themselves ready to concert operations with Henry, who by this time had adopted a new tone in dealing with the subject; indeed, his new zeal was bruited abroad, and we find the Knights of Rhodes naming him as Protector of their Order: 'Consuevimus,' says the instrument, 'protectores 'habere qui nos et res nostras contra Turcos defendant.'¶ And they were justified in thus looking to Henry, for in 1507 we find him proposing to Julius II. a crusade. Henry's letter** is in itself remarkable. He explained that his hitherto peaceful policy had not been adhered to from the absence of

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* Letters, vol. ii. p. 112.
† 1st Series, vol. i. p. 48.
‡ Bergenroth, pp. 215, 226.
§ Memorials, p. 412.
‖ Letters, vol. ii. pp. 125 and 150.
¶ Letters, vol. i. p. 287.
** Bergenroth, p. 414.

valour or vigour, or of military talents or resources. His policy was to hold his own and not seek for conquest. The shedding of Christian blood was hateful, still the Infidel ought to suffer punishment. For this purpose he pressed the Pope to restore peace amongst the Christian Powers, and then to call a Congress at Rome to concert operations in which he expressed himself ready to bear a part. Mr. Gairdner gives us Julius's answer.* The Pope professed unbounded admiration, had read the letter ten times, and had brought it before a Secret Consistory. Still the proposal would not do—previous congresses had failed—leaders could not be selected—and what could be expected now when the power of the Turks has increased and that of the Christians diminished? The Pope was thus lukewarm, but Henry in earnest, and his reply is in striking contrast to the doubtful terms of his letter to Alexander.† 'Never,' said he, 'shall we recede from 'the proposal we have made.' The Turk may be great in power, but the power of Christendon is greater. If one leader cannot be selected, let two or three kings act in conjunction. As three kings were present from the East at the Nativity, so let three Western sovereigns now have the glory of delivering the Holy Sepulchre. If all other sovereigns decline, Henry himself will act, under the Pope's authority, in person and with his army and fleet. This answer deserved a better fate than that which attended it. The matter fell to the ground, and we only find afterwards a plaintive epistle from Julius‡ praying Henry to remove the dissensions between Maximilian and France, which His Holiness considered were obstacles in the way of the proposed crusade. We need no better evidence than that which this correspondence supplies of the leading position which Henry had towards the end of his reign assumed for himself and his country in the great questions of European interest and policy. But we must bring our observations to a close. We do not profess to have exhausted many of the subjects of interest contained in these volumes. Much valuable information is given by Mr. Gairdner relating to Wolsey's early negotiations, to the affairs of Guelders after Philip's death, and to matters connected with the history of Scotland and of Ireland. We have also *in extenso* many despatches on Spanish affairs, of which Mr. Bergenroth has given abstracts; and on these last, as we have alluded to them on a former occasion §, we will only now remark that the perusal of them as now

* Letters, vol. ii. p. 170.
† Bergenroth, p. 175.
‡ *Ibid.*, p. 422.
§ Edin. Rev., April 1863.

presented gives evidence of the admirable fidelity of Mr. Bergenroth's abstracts; indeed we have not perceived that he has omitted any intelligence more important than that conveyed to Henry in a letter from the Bishop of Worcester at Rome*, where he reports that 'Sanctissimus Dominus noster in ægro-'tatiunculam levem incidit, quam acceptis quibusdam pilulis 'statim rejecit.'

There is one point, however, to which we must, in conclusion, advert. We are ready to admit that in compiling a work of this description, it must be a matter of serious difficulty to draw a line between documents of genuine historic interest and those which, characteristic in themselves, come more properly within the category of curiosities of literature. But we question whether it is desirable to swell the bulk of a work by the incorporation of lengthy documents, to the contents of which from their mutilated condition it is both difficult and hazardous to attach a definite interpretation. We also doubt the advantage of the publication in these pages of the complete writings of Bernard André, including 'Les douze triomphes de Henri VII.,' attributed to his authorship, and of the 'Journals of Machado,' of both of which last works Mr. Gairdner has also given translations. André's works may be valuable in themselves as the writings of a contemporary. But they cannot be received as authority without taking into consideration the fact, that whilst suffering from blindness he also composed his works under influences which must have attached to his position as Poet Laureate, as tutor to Prince Arthur, and as a pensioner of Henry. On these grounds we should have been well satisfied had Mr. Gairdner considered himself justified in giving only extracts or abstracts of the more important passages in many of the documents to which we have had occasion to allude, and we do not think that the preparation of such abstracts could have been placed in more conscientious and intelligent hands than his own.

* Letters, vol. i. p. 244.

ART. IX.—1. *La Banque de France, et l'Organisation du Crédit en France.* Par ISAAC PEREIRE. Paris: 1864.

2. *Des Banques.* Par LOUIS WOLOWSKI. Paris: 1864.

A YEAR ago a sagacious observer of our financial condition wrote: 'The pecuniary year 1864 opens under remarkable circumstances. The year 1863 has left us a legacy of three powerful mercantile causes. First, we are buying cotton largely in new countries; secondly, we are promoting companies in vast numbers; thirdly, we are considerably extending our general export trade, not only with a few countries, but with almost all countries—with the world at large. It is right that we should consider clearly what the combined effect of these three causes is likely to be.' The writer concluded with a prophecy which we are now in a position to review, 'that the year would be a serious, though not an alarming year, that our trade would probably be very large and very profitable, but that against this we should have to set the possible consequences of *a long period of dear money*.'

It may be thought that the late year has been not only serious, but even alarming. Probably in no former instance has there been so much agitation without any actual crisis. Not only has money been dear, but, if we except the few weeks in 1857 during which the rate of interest rose to 10 per cent., even dear beyond precedent. The average rate of 1864 exceeded *seven per cent.*, a considerably higher average than that of any year within English banking memory. Trade has been carried on under a continual sense of pressure and coming danger. We have witnessed all the well-known symptoms of an anticipated panic. During weeks and months a general tone of anxiety and foreboding pervaded city articles and financial journals, and not in financial circles only, but generally throughout society, a vague impression prevailed that there was something wrong in the city. Abroad the same feeling was prevalent, and Paris, Frankfort, and Amsterdam, not only trembled for themselves, but above all things trembled for London. In all quarters, under the belief that some change for better or worse must immediately arise, and that a continuance of the existing state of things was unnatural and impossible, there was a growing tendency to exaggerate and misinterpret every symptom, till under the lassitude of increasing apprehension, the crisis which seemed for ever impending and never to come, was almost invoked. Manchester cried that her industry was paralysed.

Liverpool, if the Bank Act were not suspended, prophesied the collapse of her trade. The provinces telegraphed anxious inquiries to London about failures which had not occurred, and London retaliated by curtailing her credits to the provinces. Banks were almost ruined by the repeated assertion of their incapacity to meet their engagements, and men made up their minds that it would be impossible to clear off the aggregate liabilities of commerce without a catastrophe. The experience of former years was constantly appealed to, in order to prove that the same phenomena portended the same end, and that the sequence of events in 1847 and 1857 would also be the sequence of 1864.

For this almost universal anxiety there was undoubtedly some ground. Without question the engagements of the country had been unprecedentedly large, and that at a very critical time. The interruption of the cotton trade, far from contracting the liabilities of the country, as it might naturally have been expected, had on the contrary actually increased them by the new forms of foreign commerce to which it gave birth. Egypt and India and other countries comparatively new to the cotton trade, taxed the paying powers of this country far more than America. For America in the general course of trade took payment not in bullion but in manufactured goods; and a comparative want of organisation in the infant trade prevented that economy of circulation, which the old-established current of commerce between America and this country had carried to so high a perfection. Besides this, the general trade of the country, in spite of high rates of interest, in spite of the constant apprehension of danger, had continued to all appearance on an undiminished scale. We need hardly observe, that the transactions of our general commerce cannot be suddenly curtailed. Our engagements under the present system of credit necessarily extend far into the future, so that a time of pressure cannot at once visibly produce the phenomenon of a sudden and general contraction; and as an immediate contraction was supposed to offer the only escape from a money crisis, the slow progress made in the reduction of our liabilities could not fail to produce anxiety. The effect of these somewhat disquieting circumstances was heightened by the apprehension felt with regard to the working of the new financial companies which in the year 1863 suddenly attained such an extraordinary expansion. Would these companies, it was asked, be guided by the same rules of prudence which the experience of former critical years had taught older establishments, or would the hopes of enormous dividends, and the consciousness of the

limitation of risks under a diffused liability, render them callous to the signs of the times? Would they, if they could, could they, if they would, escape from the vast undertakings to which they seemed pledged even by their very names? At a time when it was almost looked upon as a disaster that the ordinary scale of ordinary transactions could not be contracted with sufficient rapidity, the gigantic operations of the new companies naturally seemed to justify still deeper distrust.

But there was one consideration which, independently of any just appreciation of its causes, oppressed the public mind. Men were not satisfied to know *why* money was dear, they were alarmed at the fact independently of its causes, and above all they were disturbed by the long continuance of the fact. Of late years, it is true, the antiquated notion that 5 per cent. was to be the limit and criterion of financial respectability, has lost much of its force. High rates of interest, such as 6 or 9 per cent., no longer produce the same shock upon the nerves of the trading community. But it was one thing to endure high rates for a few weeks, or at the outside a couple of months, and a very different thing to witness the continuance of rates ranging from 6 to 9 per cent. through the course of an entire year. *An average rate of 7 per cent.* seemed indeed intolerable. The instinctive belief that any dearness of loanable capital is in itself, apart from any causes whatever, a commercial calamity, appears almost invincible, and the patience and resignation with which it is endured in city circles properly so called, who living close to our banking centre are better able to see, as it were with their own eyes, how the system works, provoke the sneer of the manufacturer and the retail trader, that high rates of interest naturally find favour *there*. The traditional exasperation always hitherto caused by any long-continued scarcity of capital prevails unabated, and the public, undervaluing the force of other theories, pertinaciously fastens that scarcity on our banking legislation. The Bank Charter Act is the universal scape-goat. That Act is, directly or indirectly, looked upon as the cause of all the evil. The amount of bank notes *must* be insufficient. Has not every kind of transaction almost indefinitely multiplied and increased, and why then is the circulating medium fixed? Have not other monopolies been abolished, and why should the most odious and searching of all monopolies, a monopoly which penetrates into every corner of the national commerce, and cripples every energy in the country, be maintained? Liberty of trade we have, and why not liberty of banking?

These familiar phrases, recalling ideas, long ago and over and

over again refuted, involve, in whatever form presented, the fallacy, that in a country like ours, whose export and foreign trade is the very fountain-head of its prosperity, and whose liabilities to foreign nations bear so large a proportion to its total engagements, the means of fulfilling those engagements could be made, or ought to be made, artificially or legislatively abundant. It is not too much to say that in many quarters it was hoped that the Bank Act of 1844, which had already been suspended twice, would break down again, a catastrophe which it was believed on all hands would have given the death-blow to the obnoxious system. The day was almost invoked, when another deputation of bankers and money-dealers might wait on the Government with threats of a universal suspension of payments, if the magic letter were not conceded to put an end to that intolerable system—doubtless the deputation would have called it a *cast-iron system*—whereby men are prevented from fulfilling engagements into which they have knowingly entered beyond their means.

The sketch we have given, though necessarily brief, forms, we think, no exaggerated picture of the state of feeling during the past financial year. While we write this public feeling is only just emerging into another phase, and men breathe more freely because the year which began at 7 per cent., and threatened to close at 9, actually closes at 6. Nevertheless, 6 per cent. is still considered a high rate of interest, which it would be pleasant to be able to characterise as an abnormal, an unnatural rate. The prediction of 'a long period of dear 'money' has already been abundantly justified, but is it really at an end? Can it be reasonably hoped that the halcyon days of 3 per cent.,—days when the lender humbly sued the borrower to accept a loan, and the borrower actually conferred a favour on the lender by taking his money,—are ever likely to return? We shall best find the answer to these queries, if we attempt to unravel the causes of the scarcity of loanable capital which has so long prevailed, and endeavour to ascertain how far it may be attributable to the prolonged operation of causes essentially temporary nevertheless, or how far the new phenomena may perhaps in reality be due, not so much to temporary causes, as to fundamental and possibly permanent changes in the relation of the aggregate of English capital to foreign demand, and to the daily multiplication and growth of the channels through which the former is sucked out and absorbed by the latter.

Upon the temporary causes we have already touched. No

doubt the export of bullion to pay for cotton raised in foreign countries, unaccustomed as yet to take manufactures in payment, has exercised a very powerful influence on the money-market, and has possibly more than counterbalanced the large excess in the supplies of the precious metals which under the effect of a depreciated currency has reached us from the United States. No doubt also the general increase in our trade tends to raise the value of loanable capital, and the congratulations on the flourishing returns of the Board of Trade are seldom unmixed with a tinge of misgiving at the accompanying possibility of a rise in the rate of interest. In connexion with this view of the subject, it deserves to be noticed, that in the autumn of the late year, when these trade returns showed the first signs of a falling-off, the first symptoms of a fall in the price of money had also become apparent.

But although the causes we have briefly reviewed might account for some of the recent financial phenomena, it was universally admitted they could not account for them all. And it was argued that our financial system was at fault, that a system which permitted the long-protracted scarcity of a commodity so indispensable as money must be unsound, and that the present condition of things must arise out of artificial and abnormal causes, which, as they had been artificially created, could be artificially removed.

We think, on the contrary, and we will endeavour to show, that the present condition of affairs has arisen not out of artificial and abnormal, but normal and natural causes—in other words, that the high rates of interest which have lately and so long prevailed, are the result not of any artificial tampering with the natural course of things, but precisely on the contrary, of giving the natural course of things free play. It will be found, we think, by those who patiently study the subject, that the rise in the price of loanable capital is, above all things, due to the growing availability and diffusion of English capital for *foreign purposes*, and that this growing availability and diffusion are in their turn the consequence of the new organisation provided by the comparatively sudden and vast expansion of the Joint-Stock system, and of the birth of so many financial companies capable of undertaking the largest operations. At first sight it may seem that the searching competition of the new companies which sucks into the money-market and condenses into large and available streams countless rills of savings scattered up and down the country, which were not reached before, ought, by bringing more unemployed capital into the market, to lessen its value and lower

the rate of interest. And such would be the case. But in truth the distributive and diffusive power of the new companies is even greater than their attractive and condensive power. The centripetal force by which our home capital is made to gravitate towards our home centre is vastly increased, it is true, by the new organisation, and this of itself would tend to lower the rate of interest. But then the centrifugal force by which, under the new system, capital, once condensed, is scattered all over the world instead of being allowed to accumulate at home, is greater still, and thus the rate of interest, instead of being lowered is raised, and the rise in the rate is probably, therefore, not temporary, but permanent, certainly not artificially produced by legislation, but naturally produced by the new forms and the vast scale of competition in financial enterprise.

With regard to the attractive or absorbing power of the new companies, it is not necessary to say much, as this branch of the subject has been often exhaustively discussed. The non-commercial classes saw in the new organisation the means of securing profits which hitherto were looked upon as the birthright of the mercantile community. They saw the names of men who had made large fortunes for themselves now figuring in companies as directors ready to make large fortunes for others. The first results were, in many cases, highly satisfactory. Dividends were secured which outstripped the most sanguine predictions of that class of promoters, as they are technically called, who might be described as the midwives of modern enterprise. And a further point to be noticed is, that in most cases, extravagant gains were obtained, not by one fortunate hazard, which might not occur again, but by the general course of their operations; not by the discovery of any one new mine of wealth, but by the simple process of a successful introduction and application of new capital in a new form to old veins. It has been currently said that such dividends were hollow, that no sound system could give such results, that they were a proof of sheer rampant speculation, which must end in a speedy collapse. But the argument on the other side was clear. Many a business had given its owner 20 per cent. The rapid accumulation of private fortunes was a matter of constant occurrence. And why should such a business not give the same, or at least similar, returns when the capital is supplied piecemeal instead of as a whole? MM. Morrison Dillon and Co. became millionaires in their trade. Why, then, should their business, now changed into the 'Forestreet Warehouse Com-'pany,' be considered one of the extravagancies of the day,

because its dividends opened at 100 per cent.? Private banking is proverbially a flourishing trade. Why should the high dividends of the joint-stock banks be turned as an argument against them? And in fact there seems to be a kind of inconsistency in the public judgment on this point. When men hear that a private firm is highly prosperous, they consider it simply as a *primâ facie* proof of commercial ability. But should a company make the very same gains, and publish them in the form of a dividend, these gains are, in this case, considered as a *primâ facie* proof of overtrading. Profits expressed in the form of dividends have a different effect on the public mind to what they have when they are shrouded in the mysteries of private accumulation. In former days, colossal fortunes were made, for the creation of which it is clear that the profits must have been on a scale no less 'preposterous' than that which, expressed in the form of dividends, now gives such umbrage to merchants of the old school. The individual grew rich by a secret operation unintelligible to the mass, who had strange visions of occult and mysterious processes by which money was coined in the city, but *how* they hardly tried to guess. Now, on the contrary, trade is carried on before the eyes of the general public. The public itself is admitted to the secrets of the guild. Not only does it witness the process, but it is also invited to share in the profits.

Against the tempting scale of these profits, the opponents of limited liability and joint-stock enterprise have, it is true, a very strong argument to bring forward. This argument is so well known that we need only state it. It is not certain, they say, that those who manage their own affairs well will manage the affairs of other men with equal ability. Directors are apt to be careless, and managers are too often reckless. As a despotism is more efficient for action and administration, so a man, who is his own master, and responsible only to himself, will trade with more success than the heterogeneous agglomerate of a joint-stock board. How far this argument will be practically justified must be determined by experience. The dividends must solve the doubts. We certainly believe that private enterprise will hold its own, especially in those spheres of trade where personal character may be brought to bear against the impersonality of a board, or where capacity may outweigh capital. But the success of joint-stock enterprise may be great, although the success of private enterprise may be greater. The London and Westminster Bank, and other banks of similar standing, have proved that banking, at all events, can be carried on by a board and by managers with triumphant

success. And although, on the other hand, there have been instances of gross mismanagement, it must be admitted, we think, that the public shows by its conduct that these instances of failure and immorality have not as yet counterbalanced the effect of high dividends, and that so far shareholders do not believe in the impossibility of securing sound and efficient management on the part of boards and salaried officers.

These reflections naturally arise when we attempt to gauge the force of that influence which is absorbing, we might almost say, the savings of all classes into the channels of trade. We have not now to deal with the subject in its social aspect, or to pronounce an opinion whether the facts, as they exist, are to be welcomed or deplored. We are here concerned with their influence on the loanable capital of the country, which, as we have attempted to describe, is not only collected together in large streams, under the absorbing force of this new organisation, but submitted to such a searching system of drainage, that whereas, in former days on any emergency, some surplus capital was sure to be found somewhere, now, on the contrary, there is absolutely no reserve; and when the large reservoirs happen to have undergone any unusual depletion, all minor sources are found to be dried up. And so long as these reservoirs mainly supplied English industry and enterprise, so long, far from any scarcity arising, the system of condensation was found to have increased the supply, and the improved availability of capital was felt as a benefit by our manufacturing districts, and indeed all producing classes, who applauded a system which seemed to be placing at their disposal the whole savings of the country. And so far, if no other causes had intervened, the creation of new companies would not have raised the rate, and would have not disturbed the home trade.

But other causes did intervene. The new companies did not confine themselves to the supply of English demands. Seeking for the benefit of their shareholders the highest rates of interest, they found the rates higher abroad than at home, and thus were led to place their capital not at home but abroad. In this fact we find the main element of our increased rates of interest. We have explained how capital seeking employment was absorbed into new companies, and if we study the outfall of these vast drains for the collection of home capital, we shall find that it tends not inwards but outwards. The extent to which the consequent outflow of English capital may proceed thus becomes dependent on the nature of the foreign demand, and it will be found, that the new companies have thus thrown themselves open to a demand, of which no school

of theorists can pretend that it could be supplied by increased issues of paper money or any jugglery of paper currency. Moreover, the peculiar nature of the present foreign demand deserves special attention, as it seems to differ materially from previous experience. Bubble companies for trading with the antipodes have been the rage before, but there was an essential difference in their aims. In the celebrated mania of 1825, graphically described by the historian of the Thirty Years' Peace, the wildest speculative schemes were entertained. Men's imaginations were fired by the prospect of discovering in foreign countries hidden mines of wealth. 'The precious 'metals were expected to be found glittering in the clefts of 'the Cordilleras, pearls were to be sought in Columbia, the 'Pampas were to be revolutionised into yielding butter instead 'of hides, and a cargo of Scotch milkmaids were shipped to 'Buenos Ayres under the auspices of a Churning Company.'

But although it may be admitted that many features of that remarkable year were strikingly analogous to some of the incidents which we have lately witnessed,—an analogy which has led to the belief that the miserable collapse which then was the result would now be repeated,—there is, we think, a difference, and that difference is palpable and clearly defined. In 1825 men strained at new sources of wealth which neither private nor joint-stock enterprise had previously ventured to explore. They rushed headlong on the wildest adventures in regions at the time practically unknown. Now, on the contrary, joint-stock enterprise has been less anxious to invent fancy branches of commerce, or to find mysterious and recondite sources of wealth, than to get the highest rates for their capital by *lending* it to foreigners. To satisfy the foreign demand for capital in all its forms seems to be the leading idea. To assist landowners by mortgage banks, merchants by discount establishments, governments and cities by loans, and generally to introduce capital into countries where the rate of interest habitually stood at 12 per cent. and often reached 18,—such are the professed objects of the most prominent among the new companies.

English and French banking principles are on a crusading tour throughout the world. Turks are to be taught the use of bank notes. Turkey, indeed, has been a favourite field. There we have the Imperial Ottoman Bank to conduct the business of the government and to familiarise the Moslems with the modern substitute for gold. We have the Ottoman Financial Association professing to undertake all financial operations from discounting a bill to building a railway. We have the

'Société Générale de l'Empire Ottoman,' whose ambition is to take up that ground in Turkey which the Crédit Mobilier occupies in France. And we learn that negotiations are actually in progress for a Turkish Crédit Foncier. Banks abound whose familiar names in every variety suggest the one pervading fact of the marriage of English capital with foreign demand. There is the Anglo-Austrian Bank, the Anglo-Italian Bank, the Anglo-Egyptian Bank. There is the English and Swedish Bank; there is the British and Californian Bank; there is the London and Hamburg Continental Exchange Bank; there is the London and Brazilian Bank, the London Buenos Ayres and River Plate Bank, and even a London and South American Bank; and one bank, wishing to outstrip all other banks in the ambition of its title, calls itself the European Bank.

If from banking companies we turn to trading and finance companies, we find them anxious to avoid even the semblance of a limitation to any one country, and anxiously putting the widest possible definition upon their scope and aims. We have, it is true, the more modest Egyptian Trading Company, and the London and African Trading Company. But the names of these companies are quite eclipsed by the cosmopolitan magnificence of other titles. We read of the English and Foreign Credit Company, of the Imperial Mercantile Company, of the International Financial Company, of the General Credit and Finance Company. Nor are land companies much less ambitious. We have the Australian Mortgage Land and Finance Company; we have the British American Land Company, the Credit Foncier of Mauritius, the Mauritius Land Credit and Agency Company, the Natal Land and Colonisation Company, the South African Mortgage Investment Company; and the cosmopolitan element is represented by the International Land Credit Company.

This almost wearisome list of modern companies we have quoted as a striking illustration of the fact, that the main object of the new system of investments is *to lend* money abroad at a higher rate of interest than can be secured at home. And it is clear that loans of capital affect our money-market in a greater degree than the general operations of made. Trade can be carried on by the simple interchange of goods. Loans, on the contrary, are almost necessarily for a time one-sided, being a gross export of capital to be replaced only in detail over a space of years. Thus the establishment of companies not for general trading purposes so much as for the location of English loanable capital abroad, must have an

influence on our money-market, which, as it has already assisted in raising the annual average rate of interest in this country during the past year to *seven*, seems only too likely to prevent the recurrence of the sweet simplicity of three per cent.

It should be remembered, moreover, that until within a late period, a certain number of large firms alone were considered to have the secret of farming the commerce of distant countries with safety and advantage. It was supposed to be their privilege and birthright to carry on the trade of supplying money to foreign governments, of building foreign railways, creating foreign banks, opening up new industrial operations in foreign countries,—in a word, of supplying capital to regions where money was worth 15 to 20 per cent., and where commerce, being in its infancy, production and importation could scarcely be developed without extraneous aid. Operations of this kind were held to be beyond the reach of ordinary enterprise. The larger profits attending them were thought to be the certain index of greater risk. And unquestionably there is more risk in lending money to Rio or Mexico than to Manchester or Liverpool; and the former might bid 10 or 12 per cent. in vain, while the latter successfully offered 3 or 4.

But the effect of this difference under the late system of unlimited liability was very apparent. In the first place, only a few firms of large capital ventured upon the trade at all. In the next place, the amount of capital which they could export for foreign use was limited by the amount of their own resources, augmented by whatever credit they could command. Moreover, each bore the whole risk without any limitation of his liability, and was naturally, therefore, unwilling to go beyond a certain length in dealing with countries where financial operations are attended with apparently greater insecurity than at home. But when after a few bold experiments it was found that this branch of trade, with all its enormous profits, might be carried on by a company not less than by private firms, an immense change took place. A vast variety of companies rushed into the new Eldorado of financial enterprise with a confidence founded, partly on the success of previous experiments, partly on the attraction of the dividends, and partly on the limited liability and diminished risk of each shareholder. The limited liability of each shareholder became one of the chief elements in the unparalleled suction, the minute and complicated drainage, brought to bear, as we have shown elsewhere, upon the scattered capital of the country. Under the system of unlimited liability few, except a small section of

bankers and merchants throughout the country, would engage in foreign enterprise, and those who did were prone to keep within certain traditionary grooves marked out by the caution of former generations, but now, owing to the vast number of shareholders, and the limitation of their liability, the timidity of each investor is indefinitely diminished, while any remaining coyness is overcome by the golden harvest in prospect. Again, the diffusion of knowledge during the last twenty years has acted as a powerful auxiliary in the movement. The public at large has become almost practically acquainted with countries and places, which half a century ago were only familiar to a very small class of men. When, therefore, new companies of every description began to appeal to the country under the system of limited liability, their appeal was suddenly responded to from a hundred thousand unexpected quarters, each man choosing the speculation which touched his own imagination and chimed in with his acquired knowledge. Thousands of men, who, under the old system, would rather have invested their money at 3 per cent. at home than risk it abroad for 50, are now ready to place it abroad for 15, rather than keep it at home for 5. Thus it is that a class of merchants, which, as we have said, had hitherto been comparatively small, has now been increased by an indefinite number of investors, who are not only willing but eager to add to their approved and traditionary investments a few shares of a more modern, less certain, but more remunerative character.

We have endeavoured, at some length, to describe the nature and to illustrate the operation of the new movement in the English money-market, and we have found its main features to be increased facilities and an increased disposition for the exportation and location of English loanable capital abroad, and, on the other hand, a practically unlimited foreign demand for English capital almost at any price. The corollary is self-evident.

While numerous countries are eagerly competing for our financial assistance, now that a system has arisen on an adequate scale by which that assistance can be rendered without excessive risk to the lender, it is clear that so long as this new system remains sufficiently popular to command, if not to entrap, the confidence of investors, *the rate of interest cannot possibly, ceteris paribus, fall below a point at which companies trading with foreign countries are willing to take it.* If money is again to become as cheap as our manufacturers would have it, one of two things must take place. Either the demand of foreign countries for English capital must decrease, or the

credit of the companies through whose medium that demand is supplied must break down. The former alternative is very remote. With regard to the latter, it is unquestionably possible that the public which has invested a certain portion of its savings in foreign enterprise may be disappointed with the results, and may withdraw its confidence and withhold its contributions from over-speculative financial companies. On the other hand, it is quite conceivable that some, at all events, of the operations of the new companies may prove to be of a nature sufficiently sound and safe to secure a permanent hold on the capital of the country. Establishments, for instance, have been formed with the express object of lending money on mortgage in India, and if the value of land in India is sufficiently defined, and the laws regarding mortgages inspire sufficient confidence, it is clearly possible that practically unlimited sums may be withdrawn from this country, and find their way to India under such an agency. Nor is it necessary that the interest of these and similar investments abroad should be on a par with the interest of investments at home. It is enough that they should bear a certain ratio to one another. To take an imaginary example, it is enough that a man should prefer an investment at home at 5 per cent. to an investment at 8 per cent. in India, yet at the same time prefer 8 per cent. in India to 4 per cent. at home. In this hypothetical case, supposing such a feeling to be prevalent among English investors, it is clear that money would not fall below 5 per cent. in England, so long as India paid 8 per cent. If India began to pay more than 8 per cent., corresponding capital would begin to flow out of England, and the rate at home would rise, and *vice versâ*. Of course this is an illustration only.

This we conceive to be the true key to the financial history of the past year. It is not simply the development of joint-stock enterprise, the creation of new companies, the *numerical increase* of such companies, which has raised the value of money. This alone of itself, as we have seen, might have lowered the rate of interest. It is the new field of operations chosen by joint-stock enterprise—that field, the most voracious of all—which has been the determining element in the rising price of capital, an influence which, if not checked by a break-down of credit, must, from the nature of the case, be more or less permanent in its character.

It is not denied that home investments will continue to maintain the lion's share of English capital. But in estimating the relative strength and foundation of this superiority, it is useful not to lose sight of the two somewhat

different elements upon which it is dependent. One is the tried and unquestioned popularity of home credit. The other rests upon the vague instinct embodied in the well-known saying of the late Duke of Wellington, that 'high interest 'means bad security.' The former element is evidently constant, but the latter, as it has already begun to vary, will manifestly vary still further. It is certainly true that high interest may be a consequence of *bad* security. But it may also be the consequence of *unknown* security, good or bad. There can be no doubt, for instance, that foreign countries have often been compelled to pay an exorbitant price for capital, not because the security they offered was intrinsically bad, or less safe than similar security at home, but because being unknown and unfamiliar to the English public, it was mistrusted. By the diffusion of general knowledge through the agency of the new companies, that light has been shed on the relative security of many hitherto unfamiliar investments, and consequently one of the most serious impediments to the location of English capital abroad has been removed. It must be evident that in proportion as the relative credit of foreign countries and the nature of their resources are more exactly ascertained and defined, any agency for distributing capital rapidly to remote parts of the globe must have the same effect on its price, as, for instance, roads and railroads have on the price of other commodities. So long as there were great difficulties of transport, the price of the same commodity might vary to any extent in different parts of England. Provisions, for instance, might be at famine prices in London, while they were rotting in Cornwall. In the same way money might be at 3 per cent. in London and at 20 per cent. in the Brazils. But just as railroads tend to equalise the price of provisions in England, so do we anticipate that the formation of financial companies may tend, and we believe is tending, to equalise the value of capital at home and abroad.

Notwithstanding the events of the past year and the temporary pressure which England has suffered under this new competition for loanable capital, we are disposed to believe that no country will in the end reap greater advantages from it than England herself, who of all countries has the greatest capital at command.

But assuming it to be a disadvantage, the question arises, is it one with which we ought to attempt to deal if we could, or could deal if we would? We are prepared to answer both questions in the negative. M. Pereire, the acknowledged head of financial enterprise in France, who, while performing the

most novel and dexterous feats of French financial speculation, has not forgotten the doctrines of Saint-Simonianism, in a recent pamphlet written to expose the laches of the Bank of France, has answered both of them in the affirmative.

A high rate of interest he declares to be not so much a disadvantage as a terrible curse, the result of abuses which it is incumbent on the State, and possible for the State, forthwith to correct. Moreover, he is himself prepared to undertake the Quixotic task. M. Pereire graphically describes his own despair at the outrageous rates of interest which have so long prevailed. It is *impossible*, he declares, that such a state of things can continue. It is not only ruinous in his estimation, but revolting to his moral sense. 'The mission of banks,' he asserts, 'is to procure capital on cheap terms for industry 'and commerce, and we have, therefore, a right to call them 'to account for the manner in which they have fulfilled that 'mission.' He speaks with touching distress of the 'flexibility' of the rate of interest, whose sudden bounds, he poetically exclaims, dash the deepest calculations and blast the best-founded hopes. 'Under such conditions industrial enterprise 'and commercial speculation forfeit all security and lose all 'anchorage.'

The position of M. Pereire in France is so eminent, that the views which he expresses, however marvellous they may seem to the English reader, deserve to be treated with respect. M. Pereire is, moreover, a master of that style, quaintly combining logical transparency with romantic fervour, which, in the writings of our neighbours, so often provokes the envy and admiration of the plain English mind. Disengaged from the poetry with which he has interwoven his theme, his main arguments may, we think, be stated very simply:—

'A high rate of interest is an evil, an evil which has endured too long, and loudly calls for a remedy. This evil is the result of the monopoly of the Bank of France. The Bank of France not only possesses the monopoly of paper money, it possesses a practical monopoly of discount. For no other establishment can compete in discounting with a bank which by issuing paper creates a capital gratis. The Bank of France having this monopoly of discount, turns it to its own advantage by charging what interest it pleases. The Bank of France, when it raises the rate at its own arbitrary discretion, justifies its action on false or fallacious grounds. It alleges the necessity of protecting its bullion reserve. But this bullion reserve can be otherwise protected, in a manner less injurious to the commonwealth. Let the Bank increase her resources, either by disengaging her real capital, now locked up, and transmuting it into gold, or by augmenting her share capital. These means being

available, it is false to say that a high rate of interest is essential to the convertibility of the bank note. Should the Bank of France not adopt the remedies pointed out, or should her resources remain insufficient, *a new and rival credit establishment is imperatively called for with a capital of twenty millions.*'

This is the theory, stripped of its ornaments, which M. Pereire has brought forward to account, on the one hand, for the dearness of money in France in late years, and, on the other hand, to justify the methods which he suggests to remedy an evil of such intolerable magnitude. It will be seen at once that M. Pereire is at all events consistent. He sees no difficulty in attributing a phenomenon so vast as the scarcity and dearness of loanable capital throughout France during a period of years to the action of one bank, and he believes that it can be removed by another. To account for the high rate of interest on our side of the Channel, we have been obliged to carry our arguments all over Europe and even beyond that, to the antipodes. M. Pereire wanders neither to Asia, Africa, nor America—in his pamphlet at least, not even to Spain or to Italy, to which the operations of his own financial children, the Crédits Mobiliers of Turin and of Madrid, would, one might think, have called his attention. Distinctly denying the power of foreign nations to exert any influence on the rate of French interest, or, in his own words, 'the hire of French loanable 'capital,' he pertinaciously confines his argument to France, as if France could remain unaffected by the influence of surrounding nations. He devotes a chapter indeed to the question as to the necessity of an advance in the rate of interest at Paris when the rate is raised in a neighbouring country, but it is curious to observe that this is the chapter in which he abandons his logical deductions and scientific analysis. In order 'to 'bring the question to a straight issue,' he selects an individual case. That case is the case of England. And the result of his inquiry he considers to be, that England has good reason to fear when interest rises in France, but that France has no reason to fear when interest rises in England. He bases his conclusion on the difference between the banking system here and in France, and on a variety of artificial grounds. In this argument we need not follow him, inasmuch as, had he proved his case (which he has not), he would have proved nothing. The question must be solved not by one example, but by general laws. If M. Pereire is willing to admit that loanable capital travels from one country to another—and M. Pereire, of all men, ought to know best if such is the case—we are utterly at a loss to understand how for one moment he can maintain that the

price of that loanable capital in one country does not affect its price in another. The only attempt M. Pereire has made to escape from this law is an attempt to prove that under certain given circumstances such an effect may be modified or neutralised.

But it was essential for M. Pereire to get rid of the element of foreign competition and foreign demand, in order to secure his avowed end, permanently to keep down the rate of interest in France. Having built an imaginary wall round France he can, in theory at least, deal with French capital as he pleases, and he appeals in glowing terms to French sentiment, adjuring the Government to impose a maximum rate of interest on the Bank of France—in other words, to supply loanable capital at a fixed rate—in the same way as bakers, until lately, were under legal compulsion to supply bread at a fixed price. But if a maximum rate were imposed, whence is the supply to come? In the first instance, as we have seen, by an increase of the capital of the Bank of France. Or, in the next place, by the establishment of a second bank. And what then? This M. Pereire fails to show. But so brilliant a picture does he draw of the effects of the second bank, that no one would care to ask.

'Every part of the social organism would be instinct with a new life; labour would shed its blessings over all, the funds would rise as well as the shares of all great companies, and the companies being able to emit their loans on better terms, would impart fresh activity to their works. The State would be able to consecrate large sums to the great national work of building roads and railways without augmenting taxation, thus giving a useful and productive employment to the funds, with which loans on favourable conditions would supply them. The fortune of the poor man, like the fortune of the rich man, would share in this general amelioration. The prosperity and wealth of each individual would find its corresponding increase.'

Well may M. Pereire exclaim in conclusion:—

'How does the picture of this prosperity, which soon would become a reality, transcend that of the ruins engendered by the cold and arid theories of the laggard professors of an exploded balance of trade!'

These splendid results—in which the blessings of labour and the poor man's enrichment are so deftly combined with the attractions of the rising share list, in which the State is baited with the hope of cheap loans, and the country sopped by the prospect of railways to be built with superfluous funds—these glorious results are to follow in France from the establishment of another bank.

It is not, however, our object to wander through the millennial consequences of the scheme which M. Pereire has conceived, and we are ready to admit, that the multiplication of banking establishments in France might be attended with considerable benefits. The French have nothing to correspond with our gigantic joint-stock banks, which, as M. Pereire has not failed to see, not only compete, but compete successfully, with the Bank of England. The financial power of England consists to a great extent in our ability to supply immense sums on the shortest notice, a power which exists in no proportionate degree in France. And we cannot be surprised that our neighbours should look with something approaching to envy on the great facilities which these establishments afford to trade and to enterprise. These banks perform the very functions which M. Pereire desires to see performed in France, with one notable exception however. Interest remains high in England nevertheless, while in France he insists that it is to be made low. We say, therefore, let M. Pereire have his bank by all means, especially if he can satisfy his country that his novel expedient of keeping the whole of the new bank's own capital invested in gold would secure that convertibility of the bank note under any rate of interest, for which, honestly we believe, he professes his reverence.

We object, not to the possible results of the establishment of another bank in France, but to the certain results of the establishment of M. Pereire's principles in France or anywhere else. M. Pereire, as we have said, advocates, indeed, the convertibility of the bank note, but the key-stone of his theory is, that *to raise the rate of interest is not the true or proper means to retain the necessary amount of bullion.* And incidentally he is guilty of a curious inconsistency. Professedly as anxious as we could be to secure the payment of the note in gold, he denounces, as laggard professors of a belated school, those who wish to secure it by any means but his own. That they should watch the exports and imports of bullion with anxiety, and jealously count the gold in their tills, he triumphantly points to as overwhelming evidence of their being unconverted disciples of an exploded doctrine. May it not be answered, 'Where is the difference between their anxiety and 'yours? Do you not admit the necessity of keeping a certain 'minimum stock of gold? And what more do we? We 'do not wish to keep more gold than will secure convertibility '—that convertibility which you yourself advocate. We 'dare not keep less. The difference between us lies, not in 'our views as to the value of gold, but as to the means to be

'employed for the preservation of that quantity on the neces-
'sity of which we are both agreed.' And what are M. Pereire's means? He would sell the Government Stocks of the Bank, and convert them into gold. He would buy gold with a limited part of his assets. He would, he says, buy gold 'as railways 'buy locomotives,' with real capital, not with paper payable at sight. The expedient may be admirable, but the unanswerable objection to it is, that no bank can employ it without limit. Not only can no bank employ such an expedient without limit, but the limits within which any bank can employ it are obviously very small indeed. How can the limited capital of any one bank meet the drain of an unlimited demand? It is therefore clear that the most effectual plan to retain whatever amount of gold may be necessary is to check the demand, instead of attempting to multiply the supply. The Banks of England and France have followed the former policy; M. Pereire is the apostle of the latter. We may make the case, already we think so clear, clearer still by putting it into figures. Let us suppose the stock of gold of the Bank of France to be eight millions sterling, and its note circulation thirty millions, and that M. Pereire and the Bank of France should both admit the necessity for at least preserving this proportion. Let us then suppose a drain of gold for foreign purposes to set in and carry off two millions a week. M. Pereire immediately proceeds to sell government securities, and by some process, which is not very clear, but which we will suppose to be possible, he is fortunate enough to convert them as fast as he requires into gold. The capital of the Bank of France is about eight millions sterling. In four weeks, therefore, he will still have, it is true, eight millions in his till, but he will have no more securities to convert. From that moment he is evidently powerless, and the drain will carry off his gold till his notes cease to be convertible. The Bank of France, on the contrary, like the Bank of England, would attempt to check the demand on the one hand, and invite gold on the other, by raising the rate of interest. A drain of gold to foreign countries must represent a disbursement of gold in settlement of old or in anticipation of new transactions. If the former, the foreigners may be willing to give time for the equivalent of a higher rate of interest. If the latter, the anticipated payment to the foreigners will be deferred. A high rate of interest thus prevents an outflow, and induces an influx of that commodity which is most convenient and most at hand for transmission from one country to another—gold. It is quite true that the rate of interest does not depend on

the scarcity or abundance of circulation; but it is no less true that gold being *the* commodity in which reserves of loanable capital are kept, these reserves are reached and attracted by a high rate of interest. M. Pereire asserts that gold and silver are commodities. Who would deny it? He adds that the rate of interest is determined, not by one commodity, but by the total capital of the country. As a general law, this also is true. But the precious metals are that particular commodity *in which banking reserves of loanable capital are kept;* consequently, a commodity of which the scarcity or abundance, at a given moment, must materially affect the facility with which loans can be made and the price to be paid for them. How, then, can it be denied that any connexion exists between the rate of interest and the relative quantity of bullion in the hands of bankers? M. Pereire asserts, unequivocally, that there is no other means of maintaining the abundance of gold except by the purchase of it, '*produits en main*,' ignoring in this statement the fact that gold may be equally, and even more rapidly, procured by loans, and loans by the attraction of interest. He forgets, as many others have forgotten, who love to assert that gold can always be procured by the sale of commodities, that there are times and places when other commodities are, for the moment at least, not wanted at all. All pending promises to pay, both here and in France, are practically contracts to pay in gold or notes; and as the notes are convertible into gold, all promises to pay are virtually promises to pay *in gold.* For the fulfilment of these contracts, which must be kept to the day, a machinery is required by which gold may be immediately, not ultimately, procured, or which, failing this, may cause the payment to be deferred. The raising of the rate of interest constitutes such a machinery, and, as we believe it to be both theoretically demonstrable, and practically demonstrated, the only machinery. M. Pereire repeats, indeed, over and over again, and with every ornament of rhetoric, that commerce will be paralysed. But we see no alternative between this remedy, painful as it is for the moment, and an inconvertible currency, which is not only painful, but, even according to M. Pereire's own admission, absolutely ruinous. M. Pereire must remember that, upon his own system, whoever gets at his notes can get at his gold. Therefore, if his notes get into the hands of foreigners, whose object is to convert them into gold to any amount exceeding his stock of bullion, the note becomes forthwith inconvertible. Inconvertibility is thrust upon him. He must, therefore, show that the foreigners cannot get at his notes. And in one passage M. Pereire does show that he has

perceived the difficulty. But how would he meet it? He affirms that the Bank should refuse to discount *for those who export gold*, in other words, *should place notes beyond the foreigners' reach*. M. Pereire, the champion of free trade, *wishes to prohibit the export of gold!* What will he do? Will he admit this, or deny it? If he admits it, he himself becomes one of the 'laggard professors of the bullion doctrine' ('*docteurs attardés de la balance du commerce*'). If he denies it, his imaginary wall of separation which protects him from foreign demand falls down, and he is at the mercy of every foreign loanmonger who is ready to outbid his stereotyped 4 per cent. In all this we are supposing M. Pereire's vision to have been accomplished, and money to be as abundant at 4 per cent. in France as the most sanguine disciple of the Crédit Mobilier could desire. But let us see how the foreign demand would act. Spain or Italy would either of them be willing to bolt at a gulp those magic 'twenty millions,' by which, as the reader may remember, so marvellous a transformation is supposed to have been accomplished. Italy, for many months, offered her exchequer bills at a rate of 11 per cent. Large amounts of this security are held by Paris bankers. But aware that if the amount were increased, and gold exported in payment, the rate of interest in France would rise, the Paris bankers dare not exceed a certain limit. But with a maximum rate of interest at 4 per cent., where would the limit be? The Paris bankers—indeed everyone in France, and Monsieur Pereire at their head—would lend as much money as they could abroad, borrowing it at home at 4, and pocketing the difference. They would borrow it at the Bank of France or at the new competitive bank. These notes would immediately be presented and exchanged for gold. The gold would be exported to Italy or Spain, and the Italian or the Spanish Government carry off that cheap capital, which, as a financier, M. Pereire is willing to offer to foreigners *at eleven per cent.*, but which, as an author, he yearns to keep for the benefit of the workmen of Paris *at four*.

While the principles of free trade are fully established, and capital is encouraged to migrate, like any other commodity, from the cheapest to the dearest market, it seems to us, we must confess, utterly futile to suppose that any one country which takes its share in international transactions can attempt to keep or succeed in keeping its interest at a lower rate than is warranted by the surrounding demand. Possibly another issue may be raised. The extent of the foreign competition might be called into question. It might be admitted that,

ceteris paribus, the highest bidder would receive the available capital of all those countries which under perfect free trade have access to the different money-markets, but it might be asked, is the competition really so brisk? When we consider what demands are being made, we shall be better able to judge whether the artificial increase of the capital of one or two banks would exercise any appreciable influence. We will pass over the demands of trade, the payments for cotton, the development of private industrial enterprise throughout Europe. Let us look for a moment to Governments alone. Almost all the Governments, not only in Europe, but in America and Africa, are competing and bidding against each other to secure loans, all eagerly looking for the cheapest market and the best opportunity. The credit of many is doubtful, but they offer compensation by exorbitant rates. Turkey will take any sums at 12 to 15 per cent. Egypt offers 8 and 9. Spain at her wits' end even to pay for the outfit of a man of war, offered 11 per cent. in vain. Russia, too proud to pay the rates necessary to attract foreign capital, compromises between her wants and her dignity by a lottery loan at home. Federal America appeals, not in vain, to the savings of Germany, and the Confederate States tempt the more adventurous Englishman, forbidden to gamble in lotteries at home, by the charms of blockade-running abroad. Austria, the inveterate borrower of Europe, whose borrowing powers a few years ago seemed well-nigh exhausted, has brought her constitutional revival to market, and marks her political progress by a progress in her debt. The minor States eagerly follow the example of the great Powers, and the movement seems to have reached a climax when we find within the course of a fortnight Moldavia and Montevideo competing for loans in the English market. If we add that all these Governments are ready not only to borrow for themselves but to guarantee interest on any amount of railway capital, it must surely be felt that the demand is inexhaustible, and that M. Pereire attempting to stave it off by the establishment of a French bank, is like Mrs. Partington and her mop trying to keep off the waters of the Atlantic.

We have proved, we think demonstrably, that with a stereotyped rate of interest in France, and that rate lower than abroad, every French bank note would at once be converted into gold, and that gold taken out of the country. That is to say, M. Pereire could not keep his notes in circulation. Not one of the objects he proposes to himself would be attained, and France would only have supplied other countries with

cheap capital at an immense sacrifice to herself. We must apologise to our readers and to M. Pereire, if we have mistaken what was perhaps intended as a *jeu d'esprit* for a serious argument. M. Pereire is an eminent man. But not even his eminence would have tempted us to examine and attempt the refutation of propositions which, when nakedly stated, in this country at least, carry their own refutation with them, were it not that in reviewing M. Pereire's poetical effusion, we found an opportunity of showing more clearly the ultimate drift of doctrines, which if boldly pushed to their extreme conclusions by the unflinching logic of an enthusiastic Frenchman, seem preposterous indeed to the practical English mind, yet, when stated, as they often are stated in this country, in a vague and less transparent form, command a certain amount of vague and floating assent.

In England no one would pretend that Government should legislate to procure cheap money, or that loanable capital, like any other commodity, will not seek the dearest market. It will be admitted, we believe, that it is not the business of the Government to legislate to procure cheap money, but the assertion often made is that the effect of legislation has been to make it dear. It is sometimes supposed that our Bank Acts make money dearer than it would naturally be; that if the Bank were allowed to issue more bank notes, or still better, if the privilege of issue were freely accorded to other establishments, or if the capital of the Bank were 'more in proportion with the demands of the times,' that scarcity of money which so often occurs would be remedied and avoided. M. Pereire, as might be expected, agrees with this view. He indeed renders justice to the Bank Act so far as to admit that it has absolutely established the security of the bank note, though he condemns the 'cast-iron system' by which that object has been accomplished, and he establishes in this respect a curious contrast between the Bank of France and our own Bank. Many persons on this side of the Channel point to the Bank of France as having secured the same object with a more elastic system. But on this head M. Pereire declares them to be utterly wrong. He is eloquent on the danger which bank notes have incurred in France, and he asserts over and over again, that the French Bank Directors have incurred the gravest responsibilities *by imperilling the convertibility of the note.* As regards, then, what most of us must consider to be a proper object of legislation, he considers that the rigid system has succeeded, and that the elastic system has failed. As regards the cheapness of money, which most of us consider an

incidental point, and one with which legislation has nothing to do, there indeed he condemns the English and French system alike. Our readers cannot fail to observe what strong testimony he thus bears to our success. In practicable objects he admits that we have accomplished, what could be accomplished, and he only blames us for not having secured, what no man of sense could expect us to secure, 'cheap money under any circumstances.'

There is, however, a party in England, comprising sensible men, who do maintain that our legislation has made money artificially dear, and they will tell you that theirs is not a theory but an established fact. They feel that an additional issue of bank notes at the moment would be an indisputable advantage to themselves. If they go to the Bank for a loan and the Bank practically replies, 'I have no notes to give you,' they not unnaturally curse the system which prevents their being accommodated. 'If,' say they, 'the bank could issue more 'notes, we should get them.' If a railway contractor has some splendid scheme to carry out but cannot place his bonds, he argues, 'If more bank notes were created, I should at once get 'my share of them. That to me is a practical fact, which no 'theory can overthrow.' But supposing this to be a real relief to particular individuals, we have to inquire, what the general effect would be on the community? One of two things would happen. Either by these issues the aggregate currency would be depreciated, and thus the remainder of the community be defrauded, or, these issues would expel a corresponding amount of gold, the withdrawal of which would pinch one portion of the community exactly in the same ratio as another had been relieved. With regard to these two alternatives, the convertibility of the bank note will secure us against the former, namely, the depreciation, but expose us to the latter. Bank notes become scarce when gold is being exported, and the exportation of gold is hindered by the scarcity of the notes. If you remove the scarcity by additional issues, what follows? You remove the impediment to the export of gold. If we only remember that bank notes are *convertible into gold*, this proposition is self-evident. Let us suppose that in answer to the clamours of a part of the community the Bank should be authorised to issue an additional two millions of bank notes unrepresented by gold. Two millions of bullion would, then, as we have proved, be exported. The impediments will have been removed not to industry at home, but to the *export of bullion*. In other words, two millions will have been added to the paper, and two millions subtracted from the gold. The aggregate currency at the

disposal of the community will be the same as before. Relief will have been afforded to some, at the expense of the screw imposed upon others. 'But,' says the manufacturer, 'I shall 'have got my notes, my credit will have been saved, and my 'labourers will have been employed, and what does it matter to 'me if two millions of gold have been exported.' We answer, those two millions would have been at the disposal of another portion of the community, of other manufacturers, of other labourers. The aggregate currency, we cannot repeat it too often, would be the same, the only difference being that an arbitrary displacement would have taken place benefiting one man at the expense of another, but *leaving the country with more notes and less gold.*

It may be asked, would this in itself be an evil? Would it not, on the contrary, be an advantage if two millions of gold could be set free and replaced by two millions of notes—on the supposition, at all events, that by such a change the convertibility of the note would not be in the least endangered. It is admitted that the issue of the 14,000,000*l.* of bank notes, as at present permitted, economises gold to that extent, that is, economises wealth to that extent, since gold is a valuable commodity, and it may be asked, would not an additional issue of two millions be simply an extension of the same benefit and of the same principle? We are ready to answer this question in the affirmative, but with this proviso. It would not increase the facilities to trade and industry. It would have no permanent influence whatever on our money markets. It would have none of those effects which those who most loudly advocate those issues desire. But certainly the advantage would be gained that the supply of gold to the *world at large* would have been increased by two millions, and that England would have converted a certain small portion of unproductive capital into productive capital. The gain to England would by no means be of an indefinite character. It would simply represent the *interest* on two millions, at most a hundred thousand pounds—a valuable saving, no doubt, especially if secured to the State; but we question whether the majority of those who clamour for an increase in the issues of the Bank would be satisfied if the results attained by the adoption of their favourite measure should eventually prove to be limited to this fiscal advantage. And with regard to the question of economy, we cannot forbear to quote a striking passage from M. Wolowski's able treatise 'On Banks.' 'The more the wealth,' he says, 'of a country increases, the less 'necessity there is for resorting to that *sorry* economy which 'trenches on the security of the circulation by augmenting

'the proportion of paper. The wealth of the community re-
'presents an inverted pyramid, which rests on the mechanism
'of the circulation. The more the amount of wealth increases,
'the more disproportionate does the support become to the
'superincumbent mass; and the more necessary does it become
'to strengthen its solidity.' M. Wolowski admits the economy, but never loses sight of its exact extent, and opposes as strenuously as we do ourselves, the notion that an increase of paper issues could for one moment be expected to prove a panacea for the scarcity of loanable capital and consequent high rates of interest. The productive capital of the country is increased, as we have said, by setting free an amount of gold; but it is not the *loanable* capital—that portion of floating and uninvested capital which is at the disposal of borrowers—which could be permanently augmented by such a measure. A fraction of a foreign loan, or a branch of one foreign railway, might immediately carry off the *momentary* addition to the loanable capital made by the issue of additional bank notes, and not only might do so, but probably would do so. *So long as we have a convertible currency,* the facilities to trade in no way depend on the issue of bank notes. Practically and to all intents and purposes we have a gold currency, but economising, as far as possible, the use of gold for the benefit of all the world, with certain fiscal advantages to ourselves. And we are by all means disposed to carry the economy to the widest extent compatible with prudence, *separating, however, entirely the question of cheap or dear money from the question of economy in the use of gold.* We require money for internal and external purposes, and cannot separate the two. To attempt to separate the two, or to attempt a circulation simply adapted for the former, would be to sacrifice our foreign commerce, and, above all things, to interfere with that free export and import of capital on which we believe our commercial prosperity to depend.

We believe we have proved conclusively that our currency laws in no ways make money dear. They allow complete liberty to the export and import of capital, leaving them to the laws of supply and demand. Since the passing of the Bank Charter Act, the average rate has indeed been higher, and this fact has been currently laid to the charge of the Act, but with this fact, we contend, the Act has nothing to do. Our readers will not fail to observe that the main point upon which we have insisted throughout this article has been, that money becomes scarce and dear from natural causes and not from legislation, and that the particular cause which we be-

lieve to have been in operation of late has been a foreign demand—a demand searching in its nature, and more distinctly apparent than a home demand, because it is represented by a visible efflux of bullion, which all the public can understand, but, on the other hand, a demand which high rates of interest can effectually check. An internal panic, leading to an internal demand for notes or coin, cannot be checked. You may legislate as you will, but you cannot legislate for panics. They occurred under the elastic system. They occur under the 'cast-iron' system. In the one case men believed in unlimited resources, undertook unlimited engagements, and found in the end, to their cost, that the resources were not unlimited, but limited. In the other case they also undertake unlimited engagements, forget the cast-iron system at the beginning, and only remember it at the end. The catastrophe in the two cases offers a singular contrast. In the first case, believing in an infinite multiplication of bank notes, men find that they come unexpectedly to an end. In the other case, rushing into a panic because by law the bank notes are limited, people claim to be delivered from the panic by the suspension of the limiting law. Thus in the end it is the elastic system which proves to be a 'cast-iron' system, because it is there limited by a fact; but the 'cast-iron' system proves in reality to be the more elastic, because it is only limited by a law. If this is admitted, it results that a catastrophe is certain in the one case, but in the other not unavoidable. Why has the suspension of the Bank Charter Act in both cases, when it has happened, had such an extraordinary effect? Because the panic which it met arose less from men wanting the notes, than from their *believing* that they could not have them. And the restriction of the Act having kept the circulation of notes within the limits prescribed by this circumstance, a slight temporary addition could be made without danger. Under the elastic system, however, the panic would not arise until the last note had been issued which could safely be issued, and panic would inevitably end in actual disaster. Thus the very reproach of the Act of 1844—the circumstance that it has twice been suspended, and that on each occasion its suspension caused panic to cease—becomes evidence in favour of its main provisions. The Act was not suspended from a defect of the Act, but because the public (and not only the general public, but even the dealers of the monied world) had traded as if the Act did not exist. Its provisions are forgotten until it is too late, notwithstanding the weekly warning that is given by the published returns of the Bank. And the

past year has brought this fact out in the strongest relief. On the one hand, the year 1857 was still comparatively fresh in men's recollections. On the other hand, the general belief prevailed that possibly on the third occasion, instead of permitting the Act to fall and money-dealers to stand, the experiment might be tried of allowing the Act to stand, and money-dealers to fall. The storm-signals were earlier raised. The Bank itself took more vigorous action *in time*. Men remembered the provisions of the Act before it was too late, and the crisis has been triumphantly conquered.

The most thoughtful opponents of the Bank Charter Act admit its efficacy in most respects, but believe that it is impotent, and even disastrous, in an internal panic, and quote in confirmation of their belief the well-known saying of Sir George Cornewall Lewis, that the harm which happened under the Act in a few days made him doubt whether its great advantages during the whole remaining period were not counterbalanced by that harm. This doubt seems to us to involve the idea that the harm arose because of the Act. But in what way, we may ask, would the Act create the harm? It would probably be answered, by prohibiting an issue of bank notes which might otherwise be issued. Private banks have been prohibited from issuing, and the Bank refuses to issue itself. Thus the possibility of relief has been cut off. But is it true that the Bank Act has cut off the means of relief? If you cannot procure notes, you can procure gold. And if you cannot procure gold you are already on dangerous ground. It is surprising how entirely this fact is overlooked. It is said at a time of panic private bankers must have notes or they must suspend payment, and language is really held as if the circulation consisted exclusively of those notes of which the issue is limited. The circulation is not limited. It is at least as unlimited as the supply of gold in the world. And to say that trade must be brought to a stand still if fresh *notes* are not issued is to confess that fresh supplies of gold can no longer be had. But if this is the case, it is the strongest reason for not issuing those notes which profess to represent gold.

The argument is often put in another form. An internal panic, it is said, results from a break down of credit, and a break down of credit is equivalent to a decrease in the circulation. To issue bank notes at such a time is simply to replace that deficit in the circulation. No doubt it may sometimes safely be done when the panic is only internal, and when therefore the supply of gold is less a matter of importance. We will not pretend to deny that a special occasion might arise when a

temporary emission of additional bank notes might allay a panic without doing *specific* harm. But when to meet these special cases it is proposed to give a *permanent* suspending power either to the Government or to the Bank directors, or in whatever form it may be, it seems to us that it would be sacrificing the certain and undoubted benefits of the Act, in order to meet a case where its suspension may possibly do no immediate harm. We have, we trust, abundantly shown that countries engaged like England in international transactions can rely only on the rate of interest to determine the supply of loanable capital, and that any measures intended artificially to depress the rate of interest disturb the free play of supply and demand. Temporary issues of additional bank notes on such an emergency emphatically constitute such measures; and inverting the sentiment of Sir George Cornewall Lewis, we say of them, and not of the Bank Act, that it may be doubted if any good they can do at the moment, can compensate the lasting injury they occasion.

The events of the late financial year could scarcely be discussed without some reference to the Bank Charter Act. It has notoriously been on its trial. The result has been, that a panic, universally believed to be unavoidable, has not occurred. Had there been any relaxation, had the trading community not felt the imperious necessity of curtailing engagements, had not the possibility of absolutely exhausting the supplies of loanable capital been constantly before the public view,—instead of beginning the new year with replenished resources, with improved prospects, and unshaken confidence in our system, we might have had to look back on disasters which, in their magnitude and consequences, might have far exceeded any previous catastrophes. An average rate of interest of seven per cent. has been hard to bear, but the lesson has been learnt, that a scarcity of capital is only to be remedied by outbidding every foreign competitor for the temporary use of that floating available capital which, under the modern organisation of international finance, is invariably attracted to that country which offers the highest price. And however painful the process may have been, we have at least the satisfaction of knowing that, without suspension of any law, without recourse to any empirical measure or questionable makeshift, in perfect harmony with science and statesmanship on the one hand and expediency on the other, it has been found possible to save the commerce of the country by *seven per cent.*

ART. X.—1. *Army and Navy Journal.* New York: 1864.

2. *Rebellion Record* (1863–4). New York.

3. *The Bivouac and Battle-field in Virginia.* By Captain G. F. NOYES. London.

4. *Atlantic Monthly.* (April and July, 1863.) Boston.

5. *Deux Années de la Guerre Américaine.* Par ELISÉE RECLUS, (Revue des deux Mondes, Oct. 1864.)

6. *Campagnes de Virginie et de Maryland.* Par F. LECOMTE, Colonel à l'Etat-Major Suisse. Paris.

7. *Les Etats Confederés Visités en* 1863. Par C. GIRARD. Paris.

8. *Report of the Sanitary Commission.* Printed at New York for the Commission.

'THEY make war after a fashion of their own, these Ameri-'cans; let them kill each other off as they please: there 'is nothing for us to learn by studying their campaigns,' was the dictum of a distinguished French officer when the narrative of M'Clellan's expedition against Richmond was first given to the world by the Prince de Joinville. Containing some partial truth in its first words, this saying has been abundantly contradicted in the event, and its caustic advice remains unheeded, save by those who have no leisure to give to the history of their own time, or who shrink from the toil inseparable from following the thread of a great contest through the scattered and partial notices of the day. Indeed, it is only necessary to indicate, in the briefest manner, some of the main elements in the struggle, viewed solely in its military aspect, in order to understand the immense importance attached to the subject by the press and people of the most civilised nations of the world.

For it is not on the score of its political aspect alone that the present civil war is of interest and value as a study. The world is by no means so near the millennium of peaceful arbitration that we can afford to despise its teachings in a military view; and despite the contempt with which American armies, generals, and strategists have been abundantly favoured from European critics, such as the one above quoted, we are bold to say that these lessons will be the more valued as they are more earnestly studied and better understood. Against the views of this class we might cite the broad facts that it took many years of constant practical acquaintance with Napoleon's grand system of war before his antagonists learnt to master

and apply its meaner and more obvious parts; and that he had been long upon the imperial throne before his conduct of great campaigns was more than a riddle to a very favoured, an almost prophetic few. We might point out that now, for the first time, have modern mechanical appliances and military improvements been used without stint by land and water, to aid operations on the largest scale, and to supply the shortcomings of soldiers and leaders. We might dwell upon (what has been too often forgotten by writers on this war) the extremely careful theoretical training of the chiefs on either side—so strangely contrasted with the rude material of their battalions. We might even declare that, from Westpoint knowledge and American ingenuity acting with such advantages and such drawbacks as American generals have known, examples of striking value should have been anticipated, and that to expect less was but to declare one's ignorance of the details of the subject.

But we prefer to take a different course. The year has closed upon a series of operations so vast in design and so interesting in detail, that it may be broadly asserted that modern warfare affords none more profitable as a study when viewed with due reference to the conditions of the struggle. And the main particulars are already made known to the world through reports, public and private, as vastly superior in accuracy and clearness to the wild extravagancies which filled the American journals of three years since, as Wellington's despatches to Napoleon's bulletins. The New York weekly paper, named at the head of this article, has alone more honest and painstaking information as to the current campaigns than the whole press of North and South contained in the days of Pope and M'Clellan. The correspondence of one of the chief generals, Sherman, will certainly bear comparison with anything of its class which modern military literature can produce, whilst others are not far behind him. We propose, therefore, briefly to trace out the events of the year, with a view to illustrate the military lessons involved in its history, and to point out how the peculiar features of American warfare have gradually been elaborated by experience into a complete system; and we are confident that it will not be for want of interesting materials should we fail in our task.

The state of things at the beginning of 1864 had been fairly foreshadowed by M'Clellan long before, when he devised the plan of crushing the Seceding States by a system of combined attacks, set forth in his memorandum of 4th August, 1861 (submitted to the President on his appointment as General-in-

Chief), and known as the Anaconda strategy. But the measure of the gigantic power needed for the completion of that plan as regarded the Central Border States was still more truly taken by an officer at that time unknown to fame, and just emerging, with a crowd of others, from the obscurity of the lower regimental commissions of the old regular army into the sudden and unstable* dignity of a general of volunteers. Bitter, indeed, was the offence given to the more sanguine spirits at Washington, when Sherman, fresh in his Western duties, made the bold official statement, that 'it would take '200,000 men to bring Kentucky back into the Union.' This prophecy cost the author, as is well known, the post of Chief of Staff, for which M'Clellan had designed him. Thus was he saved —happily for his own interest—from being involved in the disgrace which soon succeeded the temporary power twice granted 'the Young Napoleon' in the hour of disaster and panic. Yet he was marked, like his then commander, for an unpopular man, and charged with covering his own inefficiency by creating needless difficulties in his superiors' way. Not even the report of Grant, his immediate superior in the Cumberland campaign, that to his division the safety of the half-routed army at Pittsburg Landing was due, saved him from supersession at the end of the same year (1862), when, with a separate column of troops, he was detached, on imperfect information, to make a hopeless assault upon the works of Vicksburg. Grant, however, was by no means inclined to lose a lieutenant who had served him so well; and retained, by his desire, in command of one of the three corps on the Mississippi, Sherman co-operated most usefully in the bold movement which won Vicksburg for the Union. It is generally understood in the Federal army of the West that the success achieved at that place was due greatly to the ability with which he aided to plan its details, and the energy with which both he and M'Pherson conducted their corps throughout the campaign. These officers had been first brought forward and praised by Grant; and it should be observed, to the credit of that general's choice, that each of them, in his part, showed an efficiency in striking contrast with the elaborate slowness of the third commander,

* The commissions of Federal volunteer officers, generals included, expire at the end of three years, if the war lasts so long. The Government have, therefore, the simplest possible means of getting rid of any who oppose or come short of its will. Thus Keyes and Franklin—high placed in the old army of the Potomac—have been suffered to drop into their former inferior commissions in the regular service.

M'Clernand, who had been selected by Stanton to supersede Sherman after the failure of the winter.

Before this period the military chapter of M'Clellan's life had closed, apparently for ever. Whilst Sherman was retrieving his first mistake at Vicksburg, the former (whose avowed opposition as to the conduct of the war had given the President fair cause to supersede him) was dwelling in retirement and official disgrace, and becoming a mere obstruction to the army that had once known and worshipped his person. No longer dreaded as a Monk at Washington, he was yet, by common consent, regarded as the most formidable opponent of the Government under the constitutional laws; and the publication—long delayed by the Washington officials—of his report on the early Potomac campaigns, added to his reputation for judgment, and swelled the popularity which had already marked him as the choice of the Democrats for the forthcoming election.

Meanwhile, another and a surer path to power in this great contest lay before Sherman and his chief in the West. The sword of victory which Grant waved over Vicksburg was destined to win him triumphs before the year should close, and to give him the unchallenged position of the first soldier of the Union. His late campaign had shown a well-planned strategy triumphing over great natural difficulties and elaborate defences by the bold execution of his march upon the enemy's rear, and his after patient watching. His next was to prove him the ready general who, at close distance, can search out the weak points of his enemy's position, and use his own forces with tactical dexterity to pierce them. A period of enforced retirement from a severe accident passed by and found him restored to duty at a most critical juncture of the war.

Rosecrans, shut into his entrenchments at Chattanooga with the relics of his army, after his great defeat by Bragg, was allowed, indeed, by the latter to lie there undisturbed; but being cut off from his former line of supplies along the Tennessee, was unable to bring up sufficient for his needs over the inefficient roads open to him northward across the river. From whole rations his 40,000 men were reduced to half and quarter issues, whilst his grim self-contained antagonist, watching from strong lines of circumvallation on the hills above the progress of want in the weakened force, looked for the fast-coming hour when starvation should compel the Federals to abandon their stronghold. But his strategy proved too fine for the lesser means of the Confederates, who had no subordinate forces to ensure the safety of the design by opposing the reinforcements now hastening to the decisive point.

The patient Federal soldiery had not yet passed from murmur into open discontent, when it was announced in their camp that Rosecrans was displaced for Thomas (to whose valour and conduct the army had owed its escape on the Chickamauga), and that the new chief was forthwith to be succoured by the conquerors of Vicksburg. In the middle of October, Grant, recovered from his fall, had arrived in Kentucky, in anticipation of some such order as that which at once placed him in supreme charge of the whole force west of the Alleghanies, which had just been strengthened by the addition of two veteran corps, brought by Hooker from the army of Meade. It is foreign to our present purpose to enter into the detail of the means which Grant pursued for the relief of Rosecrans and the discomfiture of his adversary. The next six weeks of the campaign of Chattanooga are, however, of more interest by far than our readers would perhaps acknowledge on their present information. We would say, therefore, that the surprise of the river passage near Bragg's centre by Smith, and the manœuvring by which the Confederate lines were forced by Grant, a month later, at the battle of Chattanooga, are, as tactical achievements, far fitter to be classed with the best feats of Napoleon and Wellington than any advantage won by a European general since the days of those giants of war. We assert this without fear of any contradiction from those who examine the subject with care and give their verdict with candour. They will find in the well-prepared and thoroughly executed details of these affairs none of the blind uncertain striking which won the Alma and Magenta. The American advantages were gained simply by judicious use of the means at command, and that against troops superior in *morale*, if not in discipline.

We shall probably hear it alleged by a certain class of critics, that the circumstances are so different as to defy comparison. 'In modern warfare—in Europe, at least'—such an one would say, 'we do not expect to have the opportunity of lying weeks 'before an adversary's lines, and feeling for the vulnerable 'points.' Indeed! And when history writes the full story of the Crimean war, does our objector suppose her pen will pass without notice the winter and spring that closed it, when 200,000 allies stood idly before the inferior and sickly army that defied them from Mackenzie's Heights? Would Napoleon or Wellington, or Lee, or Grant, have suffered this inaction in front, and the enemy's free supply behind, when both his flanks were turned by steam-propelled fleets? We know a faithful answer would be ill-relished in the higher military

circles of France or England. But we must return to our subject.

Sherman, now heading Grant's old army of the Cumberland, used such diligence in transhipping it from Vicksburg to Memphis, and in moving thence to the Upper Tennessee, that he reached the scene of conflict soon after his chief had succeeded in forcing Bragg's left back from the river, and so opening the long-disused railroad to within eight miles of the beleaguered camp. Joined by his trusted lieutenant, and having given Thomas's two corps time for refreshment, the Federal commander fought and won the decisive battle of the Clouds* of the 25th November: but he had, whilst waiting for Sherman, skilfully made such previous demonstrations against Bragg's position as prevented that general from reinforcing Longstreet in the separate operations against Knoxville, undertaken immediately after Grant's first relief of Thomas had foiled the confederate designs on Chattanooga.

The victory of the 25th November offered a pressing temptation to the Federal general; for Bragg's army — never too high in *morale*—was so reduced in spirit by large losses of men and guns as to be left in no fit state to resist the advance of the invader into Georgia. The work of piercing that vast and ill-populated State was reserved, however, for a more convenient season and more matured means. Bold as Grant had shown himself, he had no mind to plunge deeply into the enemy's country without a full supply of transport, and the means of maintaining in order the line of railroad which he must follow. Moreover, if provided with these necessaries, the invasion of Georgia would demand the whole strength of his force; and his information from Knoxville told him that immediate succour was called for by Burnside. The troops under that general had almost exhausted their stores, and dared not venture from their works to face Longstreet's investing corps, which, though but little superior in numbers, had decisively shown its superiority in open field in their rapid advance upon the place.

Sherman, who had done excellent service at the head of the Federal left wing in the battle, was entrusted with the duty of relieving Knoxville, at first committed to Granger, who had failed to appreciate the urgency of the occasion. From the

* Some of the ground over which Hooker moved on this occasion to his attack on the lines of Lookout Mountain is more than 2,000 feet above the sea. Hence the favourite Federal name for their important victory.

moment of the former's assuming the command of the column delay ceased and imaginary dangers vanished. A rapid march brought the united forces of the two generals upon the flank of Longstreet's lines, just within twenty-four hours (so nicely were Grant's combinations timed) of the period fixed by Burnside as the latest to which he could hold out. Baffled by this activity, the Confederates retreated northward, in order to cover the southwest of Virginia, and maintain the openings thence into Tennessee. Sherman found the general he had rescued in failing health, and but little disposed to assume the offensive against his late besiegers. Leaving therefore Granger and his corps as an addition to Burnside's command, he returned to Chattanooga, and thence to his special district on the Mississippi, where the new year found him preparing for separate operations. That which had closed had fully verified the correctness of his once scouted prophecy. It had also shown the sagacious thinker to be a practical soldier of high order, and placed him second in the estimation of the Federal Government to Grant alone; whilst, with more farseeing instinct, the Confederates held him for the most formidable of their foes.

We have dwelt at some length upon the history of the year preceding that which forms our main subject, because the public on this side the Atlantic—relying too much upon the letters of one or two brilliant but partial writers—has been greatly misled as to the true characters and powers of the chief Federal generals. It is well enough to smile at the easy ignorance of the Frenchman who takes his view of the last two years of the war from the brilliant but strikingly inaccurate summary of M. Elisée Reclus.* Yet wherein is he worse informed than the ordinary reader of the 'Times,' who forms his ideas of Grant's character solely from the partisan letters from New York, and speaks of him as a mere butcher of men placed accidentally in high command? How does this view meet the fact that he has successively conducted to brilliant issues, *under different circumstances in each case*, three of the most striking campaigns in modern war? To what special causes it is due that the reputation Grant had gained in the West was not to be enhanced in Virginia, we propose to point

* We have not space to follow the errors of this writer in detail. Our readers may judge of the value of an historical essay which, *more than two years after* Lee's invasion of Maryland, represents his little army (following literally the first wild telegraph of alarm) as composed of from 150 000 to 200,000 men! It has been long since known as *little more than one-third the least of these estimates.*

briefly in the sequel of these remarks. Their object has been to bring before the reader the previous services of the Federal generals, whose doings form so large a part of the past year's history; and but a moment's thought is needed to note the immense advantages which their own experience and that of their armies offered them, when contrasted with the rude means and limited practical knowledge with which M'Clellan moved to a similar task two years before. The world should know (let those who doubt it read the story in the pages of Colonel Lecomte, an ardent Abolitionist and firm sympathiser with the Federal cause) that the latter general led against Richmond a half-trained army founded on the nucleus of the fugitives of Bull's Run; divided into corps under generals who had personally sat in judgment on and voted against his plan; and officered entirely by men who owed their commissions to local interest with the Governors of their States, untested as to their competency and new to their least duties. He was serving under a President jealous for his own rejected plan, and a Minister bitterly hostile. His whole strategy was to be made subordinate to a defence of Washington against the imaginary danger, conjured up by the fears of Lincoln, of an assault from a Confederate army against the capital which Johnston had hesitated to attack in the full flush of the autumn's victory. The country before him was imperfectly known, and his information as to the enemy's force so vague as only to mislead him. He laboured, in fact, under a combination of disadvantages the whole of which had disappeared, or been completely reversed, when his mantle fell upon Grant. Hampered by these serious drawbacks—having seen nothing (save as a looker-on at Sebastopol's slow siege) of that 'war on a large scale' which Napoleon declared to be indispensable in the training of a general—and by nature certainly of cautious mind—no wonder that M'Clellan before Richmond showed a slowness and want of vigour which those who had done most to create were the first to condemn. That the conception of his plan was able, and probably the very best under the circumstances, will be found to be sufficiently shown by the events we proceed to relate.

The year 1864 opened in gloom for the Confederate cause. Though Lee still held his own in Virginia, the lustre of his early victories had been much tarnished by the failure of his second invasion of the North, and the signal defeat of Gettysburg. Bragg's laurels of Chickamauga had faded in the slack pursuit of his advantage, and the disaster of Chattanooga had forced the President, despite strong personal regard, to strip

him of his command and transfer it to Johnston, reputed on ill terms with his Government ever since the days of Vicksburg. Longstreet's *prestige* had been broken by his ill success against Hooker whilst under Bragg; nor had his operations against Knoxville (where his most decisive attempt had been severely repulsed) done much to win him a name for independent generalship. The Mississippi was now traversed so regularly by the Federal gunboats that communication had become very difficult between Richmond and the Confederates in the far West; and these seemed to be steadily receding before the progress of the invaders in Arkansas and Louisiana. The strong forces of Banks near New Orleans, and Sherman at Vicksburg were understood to be threatening Mobile, and deterred from marching on that city far more by the difficulties of the route than by the petty force of conscripts which Polk was gathering near Montgomery to protect it. Many of the more sanguine spirits of the North believed that their enemy was wholly incapable of replacing his losses in men of the previous autumn; and the Federal Cabinet, anxious to take advantage of this supposed exhaustion, directed their generals to seize the earliest opportunity of an offensive movement in each quarter. Not that it was hoped at once to pierce the vitals of the Secession; but rather so to occupy the Confederate armies as to prevent their being recruited to an efficient point before spring should fully break.

In Virginia their will had but slight effect; for Meade, a man of firm but cautious mind, who had risked his command rather than attempt a rash advance in the early winter, was as little inclined to begin it now that the roads before him were converted into tracks of mud. The only movement of his infantry, therefore, was that made at the end of February as a feint on the Upper Rapidan, in order to cover the departure from the other wing of his army of a body of cavalry under Kilpatrick and Dahlgren, who had undertaken to surprise the city of Richmond. Their expedition for the purpose utterly failed, as is well known; resulting only in the death of its gallant young leader, and in embittering the already fierce passions of either side.

Still more disastrous was the issue of an attempt made (as published documents have since shown) by the personal order of President Lincoln for the recovery of Florida to the Union. The design appears to have been to seize and occupy posts on the neck of the peninsula which forms the chief part of the State, so as to sever the latter from its Confederate sisters. The march inland for this object was watched by General

Finegan, who defended the district; and at Olustee, on the 20th of February, he surprised and routed the invading column of 6,000 men under Seymour so decisively, as to drive it back with the loss of one-third its numbers, and to put an end to the expedition altogether.

Grant resting at this time in his laurels at Chattanooga, and anticipating his speedy promotion to the control of the whole Union army, was but little inclined to begin an incomplete campaign. In thought he was already resolving plans for such an invasion of Virginia as might crown his triumphs by the conquest of Richmond, the favourite object of Federal enterprise. The advance he directed of Thomas's troops from Chattanooga at the end of February was therefore not much pressed. Their demonstration had, however, the effect of revealing the true position of the Confederate army defending Georgia, and of preventing Johnston from marching detachments to assist Polk in the neighbouring State of Alabama, now seriously alarmed by the approach of Sherman.

That general had begun a movement of a kind but ill comprehended at the time by friend or foe, but which in reality is well worthy of a study. In this first bold attempt to revolutionise the whole principles of the Federal war lay the germ of his now famous march from Atlanta, with its momentous consequences. It must be remembered that up to the time of which we write, it had been held as a maxim in the campaigns of three years, that the cumbrous armies of the Federals should never be more than one day's march from their system of supply by railroad or navigable river. Readers of the 'Campagne de Potomac' will recollect that this condition was accepted as inevitable by M'Clellan at the opening of the war; and upon it all operations had been framed, with the single striking exception of Grant's march on the rear of Vicksburg. In that instance, however, the strategy of the Union general had been based upon the ascertained facts (proved by the previous cavalry expedition under Grierson) that there was no sufficient force of the enemy in the country invaded to arrest his progress, and that a few days of advance would bring him on the enemy's depôt at Jackson (distant seventy miles only from his point of debarkation) and a still shorter time thence to the Yazoo, where he counted on obtaining supplies from the fleet of Porter. High as Grant's name stood even then for ability, Lincoln judged the risk to be undergone too great, and opposed the project; and although its success was so striking, his objection was certainly justified by the precedents of the war. Had Pemberton been a more active general, and less mistaken

in his view of his duty as regarded Vicksburg*, the campaign might possibly have proved a greater disaster to the Federals than it did to their enemies as the event fell out.

We have seen that Sherman took a very active part in this grand operation, and found in it no doubt much matter for his busy brain to work on. If a march of one hundred miles, on principles akin to those which guide the action of generals in ordinary countries, had brought such fortune on the Mississippi; might not a repetition of such movements across the weaker and more open parts of the Confederacy be employed as the quick means of destroying its resources, and putting an end to the struggle?—was the question which occupied his mind. The general answer to an ordinary thinker is well given by the following extract from the work of Captain Noyes, himself a Federal staff-officer, and one evidently gifted with intelligence and observant power:—

'One important fact touching this question of transportation differences our own country from Europe, and forbids any proper parallelism, or fair comparisons between any American and a European campaign. Europe is densely populated and highly cultivated, and a general is thus able to march hundreds of miles from any special base of supply, subsisting his men upon provisions found in the cities and agricultural districts of his enemy. In our own country, with its immense tracts of uncultivated and sparsely-settled land, one of the first questions which confronts a general, when planning a campaign is, How shall I get supplies to my men? Poor impoverished Virginia, for example, is hardly able, in many districts, to keep the breath of life in her own children, and there is probably not surplus food enough in the rebel portion of the State to subsist our army for a week. Let anyone take his map and see what a large portion of the land susceptible of profitable cultivation is devoted to the culture of cotton and sugar, and he will be able to foresee the probable fate of an army which attempts to march through these States without cumbersome waggon trains. I know of but one way to avoid this despair of quarter-masters, and that is by simply avoiding war altogether. Unless while moving over well-graded roads, one hundred feet is about the space required by each long, cloth-covered waggon and its team; and thus the trains of a division will extend over some three miles of road. If a trace break in the narrow roadway, the division in rear is delayed until it is mended; if a wheel come off, the troops behind must halt until it is replaced.'

But Sherman had resolved, by practical experiment in this matter, to trace exactly the division of the difficult from the

* Johnston's report of the proceedings of Pemberton in this affair puts his errors in the plainest light. Until once enclosed, he appears to have done everything that he ought not to have done.

impossible; and his expedition to the Alabama frontier, which we have now to notice, was of a thoroughly tentative order. Its ostensible design was, in the first place, to reach and destroy the railroad from Ohio, which skirts the State of Mississippi on the western edge, and which, marking roughly the separation between it and Alabama, makes its way due southward from Corinth, near the Tennessee River to Mobile: in the second, if it was found feasible, to descend upon that city by the landward approach.

At Vicksburg he had two corps of infantry, numbering 25,000 men, under Hurlbut and M'Pherson, both highly competent officers, and the latter of extraordinary activity. But the army was nearly destitute of cavalry, for his force of that arm was being collected at Memphis, 200 miles to the north, and was intended to act on a separate line. The main reason alleged for this—the one weak point in his combination—was simply that he had resolved to carry with him a full supply of waggons for the needs of his main column for twenty days; and the beasts required for this purpose were so numerous that he believed it impossible to subsist both them and the 7,000 cavalry by foraging on the same line of an almost depopulated country. He took with him, therefore, but a few squadrons, and began his own march on the 3rd February, having directed General W. S. Smith (not the W. F. Smith of Potomac and Chattanooga repute) to lead the horse from Memphis across country to meet him near Meridian, the point where he intended to strike the railroad. Within three days his advanced guard was briskly engaged with the cavalry of Stephen Lee (who had been placed to observe his movements), and the latter soon discovered that the invading column was almost entirely composed of infantry. Leaving it therefore to the opposition of Polk, who had 15,000 men on the Tombigbee river beyond the railroad, Lee marched rapidly northward, and joined General Forrest, who was retiring from the neighbourhood of Memphis before the advance of Smith. The Federal cavalry attained a point on the railroad about ninety miles south of Corinth, and were engaged in breaking it up when their adversaries, having united their commands, fell on them. A series of skirmishes followed, in which the Confederates had greatly the advantage, and forced Smith back to Memphis, with the loss of three guns and many prisoners. Lee's happy combination had in fact ruined the success of Sherman's enterprise, except as to its raiding character.

Without serious opposition that general reached Meridian, 130 miles from his starting point, on the 14th, having moved

his heavy train onward at the rate of nearly twelve miles a-day, notwithstanding that the bridges were burnt, and the roads in many places obstructed by masses of felled trees. Posting his divisions carefully to cover his proceedings, he employed the next five days in completely destroying the railroad in each direction, Meridian being the junction point for a branch eastward through the centre of Alabama. He was little interrupted by the parties of Polk, who judged it more advisable to keep his weak force together, and watch for an opportunity of surprising the Federals when they continued their advance on Montgomery or Mobile. But Sherman could learn nothing of his cavalry (which had been now due a week at head-quarters), and saw that he must give up the hope of their uniting with them. Without such aid he had no intention of plunging into the desolate, sandy country which lay to the southward, exposing, as he moved, his flank to the enemy. He therefore abandoned such part of his design as regarded Mobile, and on the 19th commenced a retreat, which was conducted with no less ability than the advance, and with as little loss. He even brought back to his quarters, near Vicksburg, a great part of the supplies originally carried thence; for his soldiers had been instructed to act on the Napoleonic principle of pressing a movement through a hostile or indifferent country by subsisting on systematic plunder wherever food was to be found. The present resources of the few unfortunate planters of the country traversed were thus exhausted, and their future prospects ruined no less by the removal of their negroes, who here, as elsewhere in the South were ready to leave their bondage for Federal protection, though showing no personal hostility to their masters.

No fact in this civil war has so contradicted prophecy as the demeanour of these serfs of the soil, whom no proclamation has ever moved to insurrection, and who have generally remained tranquil on the estates, until the invader's actual approach has removed the law under which they lived. It is observed, however, that they have manifested but little of that fidelity under the temptation to desert their owners, of which boast was formerly made in the South. That feature of American slavery has been reserved for those to show who were brought up and domesticated with the white families, and it has abundantly appeared in their conduct to those whose lives and property the war has, in numberless instances, left at the negroes' mercy.

Sherman's experiment brought some ridicule on him at the time, for retreat in such cases is held as failure. But to his

own mind it seemed a great success. Not that he judged it by the material gain which his partisans announced of eight thousand liberated blacks, and some hundreds of destitute white refugees brought to the Federal lines, or of the loss to the enemy in railroads and stores. But he had conclusively proved that a considerable army might march, on its own resources, aided by those of the country, and with but *trifling* loss, across the whole breadth of a Confederate State; and he looked for the time when he should repeat the experiment on a grander scale, and with more striking result.

Soon after the return of his expedition, Sherman was summoned to New Orleans by General Banks, who desired to concert with him measures for the reduction of the northern part of Louisiana, for which he had already obtained promise of the assistance of Porter's fleet. Sherman agreed to detach from Vicksburg a column of 10,000 infantry and a body of cavalry, to unite with the rest at Alexandria, 100 miles up the Red River; but his own service in the neighbourhood terminated here, for he was now promoted (15th March) to the chief command of the South-Western States, which Grant was leaving on his advancement to that of the whole land forces of the Union.

A few days earlier (9th March) the latter had publicly received at Washington his commission of Lieutenant-General, bestowed by Lincoln, under the authority of a special Act of Congress. Some petty constitutional opposition had delayed this promotion longer than had been intended by the President; and in a few days after its promulgation, a further order completed important changes for some time contemplated in the general staff. The new Commander-in-Chief at once decided to take the personal direction of the Virginian operations, and the duties of the Washington Bureau were to be still conducted by General Halleck. That officer, though accused of over-refining in his strategy, had yet shown real ability, and was too useful to be laid aside. Nor is it possible to rate too highly the honest efforts he has made of late to rid the Federal service of the worthless men whom local interest had crowded into the commissions of the volunteer army. Sherman succeeded, as we have seen, to the place of Grant, and forthwith left Vicksburg for Nashville and Chattanooga; whilst his late immediate command—known as the army of the Tennessee—was conferred on M'Pherson, who was soon afterwards drawn from the Mississippi to join the forces about to invade Georgia.

The main purpose of the new campaign was a concentration

of the scattered Federal invasion on two points of the long line hitherto assailed. The front of the Union armies had thus far extended practically along a vast irregular curve from New Orleans to the Lower Potomac. Three years of bitter warfare had not sufficed to make any change in the strategic situation at the eastern end of this line; although the superior Federal resources, wielded with ability and tenacity by Grant and his lieutenants, had greatly contracted the limits of the Confederacy along its south-western border, forcing it back from the Ohio to the Tennessee, and wresting point after point on the Mississippi from its grasp. It was now resolved at Washington to give up the system of embracing, with separate attacks, the whole front of the enemy, who had by it been permitted to avail himself of his shorter lines of communication, and to bring unexpected numbers to bear on the points most threatened. The whole weight of the Northern pressure was now to be thrown, by the Commander-in-Chief upon the enemy's capital; by Sherman upon that vital point of the Confederacy which the endurance of Rosecrans's army, and the brilliant victory of Grant, had laid bare to the next advance from Chattanooga. The first-named object of this double invasion was of course political. Notwithstanding the boast of the Confederate President that the war did not in any manner depend upon Richmond, it was manifest that the fall of that city would be felt as a terrible blow to the Southern Government both at home and abroad, and would greatly justify the expectation of the mass of the Northern people that the Union was to be reconquered by the sword. Against the devoted capital Grant was to bring forces more vast and powers more uncontrolled than any general since the days of Napoleon. And should these, aided by his *prestige* and his proved vigour and activity, cause Lee in the defence to exhaust the resources of the South, Sherman, furnished with a mighty army, would be able to penetrate into and hold the whole centre of Georgia, threaten or seize the warlike magazines which the forethought of Davis's administration had placed in that remote and hitherto untouched State, and sever the Carolinas and Virginia from the rest of the Secession. That the complete success of either invasion would give the latter its deathblow was the not unnatural expectation of even those more farseeing Federals who were not blinded to the difficulties each must encounter.

Grant had no sooner assumed the reins of power than he made an effort to recall the expedition of Banks. The Red River and its surrounding district lay altogether beyond the scene of operations, and its possession could not influence the

success of the campaign; whilst the latter might be materially advanced if the forces from New Orleans and Vicksburg were directed against Mobile, so as to cause Johnston in Georgia to weaken his army for the defence of that city. Orders were accordingly sent to the Lower Mississippi to change the destination of the squadron and army. But these had already advanced too far for recall, and the invasion soon terminated in disaster and defeat, when once the troops left the shelter of their gunboats, and met the Confederates under Price. The battle of Pleasant Hill that ensued on the 6th April was avowedly ill-managed on the part of the Federals; though whether owing to the fault of Banks and his Chief of Staff, General Stone*, or rather to that of Ransom, who marched his two divisions, forming the advance, headlong into the Confederate ambush, is not clearly known. Certain it is that the infantry were routed, and were altogether deserted by the cavalry; and the expedition being of necessity abandoned, the whole force was withdrawn to New Orleans.

The outcry against the folly of entrusting an important section of the war to an amateur was not yet met by the supersession of Banks, which soon followed, when another success was gained by the Confederates over a veteran officer of the regular service, Wessells, who commanded a garrison of 2,000 men at Washington, a fortified post on the coast of North Carolina. The attacking force, under General Hoke, was aided most materially by a small iron-plated ram, the Albemarle †, secretly prepared higher up the Tar River, and which descending suddenly, destroyed or drove off the gunboats which guarded the place on its water side, the officer in command of the first attacked being killed by a splinter of his own shell rebounding from the side of his novel antagonist. But the sound of all these smaller passages of the war was now for a short space hushed in the expectation which preceded the gigantic movements of Sherman and Grant.

The key to the whole summer campaign of the latter is to be found in his design (formed long before on the spur of his

* The same unhappy man who was imprisoned for eighteen months without trial for his share in the disaster of Bull's Bluff. He has now returned to service for the third time, but as a lieutenant-colonel only.

† The recent destruction of this ram on the very scene of her first victory, by Lieutenant Cushing of the Federal navy, who had volunteered for the service, appears to have been as daring and skilful a feat as any on record—one quite worthy to rank with the early exploits of Nelson and Cochrane.

success at Vicksburg) of assailing Richmond by a double method combining direct attack and wide-spread investment. He was himself to move straight on that 'objective' with a host as large as it was possible to manœuvre in the country through which he must pass; whilst two minor but considerable armies, advancing to the right and left of the main one, were to sweep through the territory beyond the city and aim at the railroads which supplied it from the west and south. His calculation was—and it seemed feasible enough—that in opposing his own march Lee would require to bring into line every available man in the Virginian armies, and would thus be compelled to strip the districts entered by his subordinate forces. It was perfectly ascertained at Washington that the very considerable population of the rival capital, and the large army which lay on the Rapidan, were maintained chiefly by food brought from great distances. Indeed the district to the north of the James had been so harried by the Federal expéditions, and so stripped of its negro labourers, as barely to produce enough food for its own scattered rural population. To sever completely the railroads which led to the city would therefore quickly bring both its inhabitants and Lee's army to a state of starvation, and inevitably force the latter to retreat not less than a series of defeats in the open field. Grant believed himself thus to have two distinct chances in his favour, and diligently applied himself to work out the details of his scheme.

The first part of this which naturally came under consideration—as it does now in our review—was the line of operations to be chosen for his own advance. The Army of the Potomac, with which he had fixed his own head-quarters on assuming his new office, at this time lay around Culpepper, north of the Rapidan, and its supplies came straight from Washington by the Alexandria line. The problem to be solved as to the best means of approaching Richmond, was precisely that which had first produced open difference between M'Clellan and the President two years before. The preference of the latter for a direct movement across Eastern Virginia, which should at the same time keep his own capital covered, is well known. The objections to it, with his reasons for preferring the peninsula as a base, we prefer to give in M'Clellan's own words, which are here quoted from his letter of 3rd of February, 1862, addressed to the President in reply to that of the latter, challenging him to show the superiority of his design:—

'Bearing in mind what has been said, and the present unprecedented and impassable condition of the roads, it will be evident that no precise period can be fixed upon for the movement on this

line. Nor can its duration be closely calculated; it seems certain that many weeks may elapse before it is possible to commence the march. Assuming the success of this operation, and the defeat of the enemy as certain, the question at once arises as to the importance of the results gained. I think these results would be confined to the possession of the field of battle, the evacuation of the line of the Upper Potomac by the enemy, and the moral effect of the victory; *important results, it is true, but not decisive of the war, nor securing the destruction of the enemy's main army, for he could fall back upon other positions, and fight us again and again, should the condition of his troops permit.* If he is in no condition to fight us again out of the range of the entrenchments at Richmond, we would find it a very difficult and tedious matter to follow him up there, for he would destroy his railroad bridges and otherwise impede our progress through a region where the roads are as bad as they well can be, and we would probably find ourselves forced at last to change the whole theatre of the war, or to seek a shorter land route to Richmond, with a smaller available force, and at an expenditure of much more time, than were we to adopt the short line at once. We would also have forced the enemy to concentrate his forces and perfect his defensive measures at the very points where it is desirable to strike him when least prepared.

'II. The second base of operations available for the army of the Potomac is that of the lower Chesapeake Bay, which affords the shortest possible land route to Richmond, and strikes directly at the heart of the enemy's power in the East.

'The roads in that region are passable at all seasons of the year.

'The country now alluded to is much more favourable for offensive operations than that in front of Washington (which is *very* unfavourable), much more level, more cleared land, the woods less dense, the soil more sandy, and the spring some two or three weeks earlier. A movement in force on that line obliges the enemy to abandon his entrenched position at Manasses, in order to hasten to cover Richmond and Norfolk. He *must* do this; for should he permit us to occupy Richmond, his destruction can be averted only by entirely defeating us in a battle, in which he must be the assailant. This movement, if successful, gives us the capital, the communications, the supplies of the rebels; Norfolk would fall; all the waters of the Chesapeake would be ours; all Virginia would be in our power, and the enemy forced to abandon Tennessee and North Carolina. The alternative presented to the enemy would be, to beat us in a position selected by ourselves, disperse, or pass beneath the Caudine Forks.

'Should we be beaten by a battle, we have a perfectly secure retreat down the Peninsula upon Fort Monroe, with our flanks perfectly covered by the fleet.'

It will be seen that, with the exception of the Confederate army of Virginia being entrenched behind the Rapidan instead of at Manasses, there was but little change in the condi-

of the question which M'Clellan so elaborately treated. But Grant did not rely, like his predecessor, on the single hope of success from his own direct attack. On the contrary, he intended (as we have already pointed out) to use the latter partly to cover a separate system of acting on his enemy by destroying the latter's communications. Further, it would have appeared a servile copying of a plan which had already failed in the execution, and have been personally offensive to his Government, if he had proposed to move his main army by water to the peninsula, or to the mouth of the Rappahannock (according to M'Clellan's original idea), and worked his detached left—as it was open for him to do—from Norfolk far beyond the south of the James. He had already decided, therefore, to move across the difficult country which his predecessor had dreaded to attempt. His force for this purpose would be —as we shall presently see—as numerous as that which M'Clellan had commanded before his rupture with Lincoln. And although the staff organisation and the spirit of the soldiery had most wonderfully improved under the stern discipline of actual service, he yet felt the necessity of keeping near to some better line of supply for his numerous wants than cartage, however liberally added, could furnish. The railroad he now had at his back continued onward to Richmond; but even if he could drive Lee from Orange, which his army covered, the line thence runs due east for forty miles, and could only be followed by exposing a flank to the enemy for that whole distance. For this cause he resolved to throw his army across the intervening country, and to master the direct line from Acquia Creek to Richmond, of which the attempts to seize the Rappahannock passage at Fredericksburg had successively proved so ruinous to Burnside and Hooker. From the fords of the Rapidan, which his left nearly touched, to Bowling Green, a station on that line, is but 27 miles. A rapid march south-westward on the latter place, through Spottsylvania Court-house, would plant him with his back to Acquia Creek and his face to Richmond: and if not made secretly enough to pass the right flank of Lee without his observation, the Federal army could (as Grant believed) use the difficult and wooded country as to cover the movement effectually by the defensive tactics now become familiar to all its branches.

For this part of his campaign Grant made earnest personal preparations during the six weeks that followed his appointment. The five old corps of the army of the Potomac were not only recruited, but also broken up and re-distributed into three, under Sedgwick, Hancock, and Warren, all men of

proved ability and courage. The chief cavalry generals were superseded; the most active of them, Kilpatrick, being sent to act in the army of Sherman, from which Grant drew a still younger officer, General Sheridan, whom he had previously marked out as the most fitting leader for his 12,000 horse. The whole of these arrangements were made under the supervision of Meade, who retained the nominal command of the army of the Potomac, and carried out his new superior's instructions with a wholehearted earnestness worthy of Wellesley himself under the like trial.

The three infantry corps numbered about 30,000 each, distributed in four divisions. They were to be joined, at the last moment, by another, that of Burnside, which, on Longstreet's retreat from East Tennessee, had been brought round from Knoxville to a depôt in Maryland. Its regiments being filled up with conscripts, and a large division of coloured troops just raised being added, it mustered 35,000 strong at the end of April. This corps was purposely held back, in order to cause the Confederates to believe it to be intended for some separate expedition, and so to keep their Government from reinforcing the army of Virginia. When the roads at length were reported fit for use, and all Grant's preparations on the Rapidan complete (and these had included separate reviews and movements of each corps to test the efficiency of the staff), Burnside's divisions advanced through Washington, and having defiled before the President, joined their new chief at his head-quarters in the last days of April. With Sheridan's cavalry, the Lieutenant-General had now assembled, for his immediate command, a fully equipped force of 135,000* men, being in number only slightly larger than that which M'Clellan had prepared for his first campaign, but for the major part composed of veteran troops.

Beyond the Blue Ridge, on his right, a separate army of 25,000 fighting men had been assembled under Sigel, to act in the Shenandoah. The supersession of that general (who had been in retirement since the days of Fredericksburg) had given much umbrage to the German Republicans. This Lincoln had lately striven to disarm by giving him a new and detached command in the great valley. Augmented now into a formidable army, it was to be led, in co-operation with Grant, straight upon Lynchburg, the important point

* The writer of the New York letters to the 'Times,' reporting *this* force at 218,000. He had either been purposely deceived or had taken an outside estimate of the three combined armies.

which commands both the railroad and canal leading from the Upper James to Richmond. Grant believed there would be but little opposition on this side; and as the advance would necessarily cut the line from Staunton (on Lee's left) through Orange, the Confederate capital would be by it thrown entirely for supplies on the railroads passing to the south.

These are in number two only, regarded as main lines. The one runs from Richmond due south through Petersburg to Weldon, and so along the Atlantic side of North Carolina. The other nearly southwest through a richer country to the border of that State at Danville. To completely sever these we have shown to be a vital part in Grant's original design; and the operations for the purpose were to be conducted by an army assembling at M'Clellan's old base between the York and James rivers. A mere threatening of Richmond, to be followed by a hasty change of manœuvre to the south side of the James, from whence the expedition should rapidly penetrate far into the interior and destroy— if possible, hold—the railways, was the general plan. Thirty-five thousand men were allotted to it.

Next to the fitness of Grant's main army for its own share of the drama was evidently needful to him the proper conduct of these subordinates; and here we come to the weak part of his strategy. Sigel's appointment had taken place before his own, and could not well be revoked (no present fault being alleged against him) without great odium to the Government on the part of the German soldiers and voters. Grant therefore did not attempt to change the staff in the valley. But for the still more important charge on the James he had designed his *protégé*, W. F. Smith (nicknamed 'Baldy' by the soldiers), whose promotion to Major-General he had just with difficulty succeeded in forcing from the Senate, inclined at first to reject it from jealousy of his dictation. Here, however, he found an absolutely insurmountable obstacle in the obstinacy of Lincoln, who had resolved not to allow the supersession of Butler: so that, after some discusion, Grant was forced to content himself with the half measure of putting Smith at the head of one of Butler's two corps (the other being formed of troops from Charleston under Gillmore), in the vain hope that the civilian would be guided by the soldier in the actual operations—a hope which Butler's well-known character rendered vain from the first.*

* The disputes between Butler and Smith led to the resignation of the latter early in the campaign.

The forces available for the defence of Richmond against this triple invasion, though far inferior in numbers, were yet of formidable strength. Longstreet had lately returned from East Tennessee with his corps, which, with those of Ewell and Hill, mustered 70,000 infantry. Lee had but few cavalry near the Rapidan, great part of Stuart's command lying nearer to Richmond to watch against such raids as that of Dahlgren. There had been but little change in the staff since the days of Gettysburg.

In addition to this, the so-called Army of Virginia, Richmond was defended to the south by Beauregard and his troops, released from their duties at Charleston. These were disposed along the Weldon railroad, ready for concentration on any point threatened between Richmond and Wilmington, at the further extremity of North Carolina. They numbered about 25,000, exclusive of a well-trained militia which guarded the capital itself. Fifteen thousand troops, in great part newly raised, were all that could be allotted to the defence of the valley, where Early was now succeeded by Breckenridge. With this marked inferiority in every quarter, the Confederate strategy was necessarily of the defensive order, and made dependent upon that of their opponents. Nor was this less the case in Georgia. There Sherman had collected an army of 98,000 men at Chattanooga, exclusive of the vast trains for rail and common roads which were to force and maintain an unequalled system of transport; whilst Johnston confronted him with but 56,000, and this weakness of numbers unaided by the striking *prestige* of victory, and the personal love for their chief, which strengthened so greatly the army of Lee.

All things being now prepared for his great adventure, and orders given for a simultaneous advance to Sherman as well as to Sigel and Butler, Grant launched his army by its left across the Rapidan. The well-known passages at Ely and Germaniatown Fords, used by Hooker in his disastrous attempt of the year before, were unguarded by the Confederates, and crossed without difficulty on the night of the 3rd of May. The cavalry divisions of Gregg and Wilson moved first before dark to lay the pontoon bridges at these two points, three and seven miles respectively west of the fork of the Rappahannock. Hancock's (2nd) corps followed Gregg at the former place, and Warren's (5th) and Sedgwick's (6th), forming a right column, passed after Wilson at the latter. A train of 8,000 waggons, carrying supplies for the whole army, passed in rear of Hancock, thus interposing the bulk of the force between itself and the enemy. From the moment of beginning

the march all connexion with the Alexandria railroad was thrown aside, and the troops made dependent for all supplies on their moving commissariat until a new base should be gained. Burnside's (9th) corps alone remained on the ground where the army had lately stood, to deceive the enemy as long as possible. But this for twenty-four hours only; after which he too moved across the river, following the right column by Germania, and rejoining the other corps on the 5th. That day saw the first fighting of a long and bloody series of engagements.

It was far from being Grant's desire to seek his foe. His wish was to gain Spottsylvania Courthouse, the central point of all the tangled mass of woods which covers the country to the south of Chancellorsville, before Lee could discover his real object. He had, indeed, fair ground to hope that the latter would form his army behind the strong line of Mine Run, a brook running north into the Rapidan between Grant's new position and the Confederate right, under the idea that the Federal army had crossed the river (as under Meade it had attempted in the November preceding) to threaten that flank and turn his entrenchments. If Lee had been thus deceived, the hostile army would soon have gained ground sufficiently in its intended line to ensure its reaching Bowling Green and the Fredericksburg railroad without direct opposition. But this was not to be; and Hancock was recalled from his advance on the coveted point, and wheeled rapidly into position, to meet the attack which Lee (much stronger now than when opposed to Meade on the same ground) had moved to make. Of this attack Grant received warning from his cavalry in good time to form his line facing to the west, and covering the road along which he would have pressed. Hancock naturally formed his left. Sedgwick protected the road near the ford, with Warren more to the centre. Burnside arrived in time to fill the interval between the latter and Hancock; and as soon as this disposition was complete, the shock fell on the Federals. The column reported on the 'turnpike' road from Orange proved to be Ewell's; that more to the south on the new or 'plank' road was Hill's. So desirous was Lee (who evidently hoped to take his adversary by surprise) to commence the battle that day, that he entered on it without the aid of Longstreet, whose cantonments were so distant that he could not reach that day the scene of action. Night closed upon it without decisive advantage to either party.

At dawn on the 6th the battle was renewed; but by this time the Federals had entrenched the more prominent parts of

their position, and the contest assumed the normal character of the great majority of the battles of this war. The beginning of this system is to be found in M'Clellan's operations before Richmond; but it had now been fully developed. We purpose to explain its details, which done, there will be but little need to follow particular incidents; for all such contests bear of necessity a striking family resemblance.

The tactics used in Europe, where the commander of an army can sweep the battle-field with his glass, and direct the march and instantly know the actual danger or success of each division, are evidently not to be applied to warfare conducted in the midst of forests, broken only by clearings too small in many cases for the free movement of a brigade. Combined movements can here be done by guess-work only; and the front of the army, instead of being at least at double its artillery range from the enemy at the close of the day, is often within earshot. Hence sprang the practice early in the war, of each corps entrenching slightly the ground on which it was to sleep. The facility with which that could be done (in a manner presently to be described) caused the same system of breastworks to be applied extensively in the midst of battle, so as to avoid the constant danger of being taken in flank by sudden movements of the enemy through the wood. Flank attacks are alarming to the best of troops, and are especially applicable to the case of a forest engagement, where the enemy's line, broken into skirmishers, each covered by a tree, could be forced back from the front only by slow degrees, and with considerable sacrifice of men; and yet may be approached without observation at either extremity. At the period of the war of which we are writing, it had become a fixed habit of the armies to cover every hundred yards gained by a breastwork wherever the materials could be found. It followed that the so-called battles degenerated into a series of long and bloody skirmishes, carried on chiefly from under rude shelter, and occupying sometimes many days without any decisive result. The fighting, in fact, had grown to resemble rather the last part of a siege on a great scale, with its constant entrenching, sorties, counter-attacks, and vast expenditure of powder, than such conflicts as Europe has seen on her great fields. Indeed the latter have often been fought—as Leipsic, Waterloo, Wagram, Borodino testify—upon ground of remarkably open character, naturally fitted for the parade movements of mighty hosts. Yet the length of the American conflicts, the often-repeated attempts of their generals to search the enemy's lines, and the deadly fire of the arms employed, have made their character scarcely less bloody than that of the actions with which we contrast them.

We must now describe more particularly the breastworks which are so identified with our subject, and in the forming of which the Federals especially were so skilful and laborious as greatly to counteract the individual inferiority of their soldiery; for many of these, town-bred or recent immigrants, were no match in regular skirmishing for the active Southerners, trained from their youth to free use of the rifle, who formed the mass of the hostile army.

Given a piece of ground to be occupied, and thickly covered with trees, there would be found in every brigade some hundreds of stout arms ready to wield the formidable bushman's axe, used throughout the North American continent, and carried in profusion with the regiments. A line being roughly marked, a few minutes suffice to fell the trees along its length, letting each fall towards the front; and some further chopping completes a rough 'abattis' (or 'entanglement' as it is technically called) forming a very awkward obstacle to an advancing enemy. Behind this, and against its rear, two or three hours of spade labour is enough to throw up a line of parapet with ditch, or row of rifle-pits, sufficient to shelter the defenders of this woodland barricade. But to enclose the whole of the army's front in this fashion, would be to renounce all attempt to advance. Openings must therefore be left at frequent intervals, and these again are covered by separate entrenchments, with guns disposed to flank each other, and the approach to the general line. If a retreat be thought of, other lines formed to the rear may be so arranged as to make it secure. If the enemy be forced from his opposing works, a little ingenuity converts them to the captor's use. Allow but a little time in advance, and it is hard to say how resolute men could be forced from a succession of such works as these. They are, indeed, but the revival on a larger scale of those against which British valour and discipline were shattered at Saratoga, to the ruin of our war against the revolted colonies. But it is time to return to our narrative.

The battle of the Wilderness, begun late on the 5th, was renewed next day, and continued even after darkness closed over the scene. Longstreet had come upon the ground at dawn, to the great relief of Hill, whose corps showed symptoms of giving ground before the pressure of Hancock. The newly-arrived general restored the day; and sought soon after to decide it by turning the extreme left of the Federals with one of those wide sweeping movements so successful under Jackson. To do this it was needful to march his troops to their right; and in guiding his advanced brigades that way, he was

shot at through the cover by some of his own men whilst passing along the front of his second line, and desperately wounded, General Jenkins being killed by the same volley. Less happy in this respect than his great comrade was at Chancellorsville, the fall of Longstreet ruined the success of the manœuvre he had undertaken, and the Confederates made no real progress during the rest of the day. As it closed, however, General Gordon, whose troops formed their extreme left, stole up to the breastworks which covered Sedgwick's right near the Rapidan, and carried them by a swift surprise made before the picquets were posted for the night. Great part of two Federal brigades were captured, and the rest of the division fled. But the pursuers were checked by another line of entrenchments raised by some reserve artillery close at hand; and Sedgwick, by gallant exertions, rallied his men behind this, which, though somewhat at an angle with the general front, served to protect the right of the army sufficiently for Grant's purpose.

Lee in these encounters had already incurred a loss of 7,000 men, including two of his best generals; and although the Federals estimated theirs at double that number, yet the spirit of their soldiery was good, and their position unshaken. Another day would see it so strengthened that the Southern marksmen would lose the advantage of that greater activity and quickness of aim which had told hitherto in their favour, and Grant would be enabled to guard his front sufficiently, and yet to continue his original movement by a gradual extension of his left. Lee's offensive battle, in short, had failed in its object, and with the versatility of true genius, he shifted it at once for the opposite course. For the rest of the campaign we shall find him steadily pursuing that defensive warfare which a great German writer, Clausewitz, points out for the natural course of the weaker party, and which here became especially necessary to him, as he discovered that his new antagonist was unsparing to a marked degree of the lives of his men. Grant has in fact much to answer for in this year's history as regards the charge of wasting his army by pressing it on against unfair odds of position. To justify him in any measure, it must be borne in mind that he came to his new work in Virginia after a train of striking successes won greatly by the judicious employment of superior numbers—that he had sound reason to believe that the enemy had no such supplies of recruits to draw from as were available to himself—and that the Government he served were of necessity compelled to insist on constant advance, and on seeming advantage at any present sacrifice. Add to these conditions that the General was of

disposition as obstinate as brave; and his troops resolute and patient rather than daring in their character; and we may account for much of the waste of life now so notorious. A little more of success in the results, and we should have heard nothing but praise. Doubtless Grant is deficient in that sublime quality of genius which instinctively knows the impossible, and recoils from it alone. His warfare shows marvellous resemblance to that of Masséna, whose obstinate clinging to his purpose and patient waiting for opportunity saved France and covered himself with glory in 1799, as they proved the ruin of his fame and of Napoleon's Peninsular designs when met by Wellington and Torres Vedras.

The morning of the 7th saw Lee resting on the defensive, and expecting Grant to advance. But the latter, finding himself no longer pressed, began in the afternoon to detach to his left in the direction of Spottsylvania, the coveted point where, as before noticed, the chief roads of the district intersect. His movement was complicated by the attempt to conceal it, and the march of the Federals filled so much time, that daybreak arrived on the 9th, and found the cross roads occupied by a mere advanced guard; whilst Lee, being warned of the operation by his cavalry, and at once divining the full purpose of the Federals, had resolved to throw himself across their path, and compel them to become the assailants. His right (now under Anderson) marched rapidly for this purpose; and arriving at the double-quick, drove the Federals sharply from the neighbourhood of the Courthouse. This corps was speedily supported by Hill and Ewell; and the Confederates entrenched themselves at once in their new position, which covered the cross roads, and ran in semicircular form through a piece of ground peculiarly adapted for their purpose of defence.

There followed for the next ten days a series of the most obstinate skirmishes which this war has seen. The Federals were not discouraged by the loss on the 9th of Sedgwick, the most popular officer of their army, who was shot behind a parapet, as he superintended the entrenching of his corps on its arrival. They pressed their adversaries none the less closely, plying the weaker points with incessant attacks, one of which went near being fatal to Lee's army. This was at dawn on the 12th, when the line of Ewell was suddenly pierced by Hancock, who had massed his whole corps in the darkness close to a salient point, and now poured his divisions into the openings of the breastworks in two great columns. The surprise was successful at first, and half of the division which still bore the honoured name of 'Stonewall,' were captured at once, with

their commander, General E. Johnson. But Ewell had a second line of great strength behind him, and Early's troops held this with unshaken fortitude until succour came up; so that although Hancock sent 3,000 prisoners and eighteen guns to the rear, the final result of the day was simply a slight contraction of the position of Lee.

Yet that general soon after voluntarily abandoned it. In fact his supplies were now brought up by cartage from the rear with more difficulty than those of Grant from Fredericksburg, of which place the Federal cavalry had long taken possession: besides which, other movements, to be noticed hereafter, had alarmed Richmond, and caused him to desire to draw within easier distance of his capital, and to cover more effectually the railroads which fed it. Just halfway between Spottsylvania and Richmond his line of retreat would bring him to Hanover Station*, a place suitable for his purpose, where the Pamunkey (formed by the junction of the North and South Anna rivers) crosses the country on its course eastward, giving a strong line of defence. To this Lee determined to retire, influenced partly by the reasons already given; partly, no doubt, that Grant had already received such vast reinforcements as almost made up his losses, and gave him the means of holding his foe in his position by attacking it with a part, whilst the rest could outflank it by a wide march westward. It is probable that the Federal general, who is (as he clearly has shown in former campaigns) scarcely more obstinate in purpose than versatile in expedient, had already determined to do this very thing, which, if conceived, was certainly not yet executed.

Lee therefore on the 19th made a sudden attack on the Federal right with his own left, whilst his other troops moved off from their entrenchments. So perfectly was his retreat executed that Grant and Meade failed to apprehend it in time to profit by a direct pursuit, and when knowing it, preferred to press their columns forward by the open but more circuitous route which lay to their right, gaining the long-desired point of Bowling Green on the 21st. The Federals had now mastered the railroad from Acquia Creek, and met with no opposition for the next few miles, even carrying with but moderate loss the passages of the Pamunkey.

And now a space of barely twenty miles lay between the army and its object; but a careful reconnoissance soon showed Lee to be so strongly posted as to defy all assault. His right

* Called by the Northern Journals, Sexton's Junction. It lies eight miles north-west of Hanover Town.

was covered by an impassable swamp, his left by a stream of some depth, with strong works filling the intervening space and projecting forward into the centre of the new line occupied by the Federals; so that the latter were in most critical case if once assailed, being exposed to be cut in two and driven separately on the passages of the river—some four miles apart—which had been abandoned to them. The actions of the 24th and 25th, by which the latter had been carried, so far from being the victories they had been styled by the press, proved to have been mere affairs with the enemy's advanced guard, thrown forward to conceal as long as might be the strength of his position. The judgment of the Confederate general never appeared more plainly than in this instance; and Grant paid the highest compliment to it by deciding at once to throw his army—for the third time in this campaign—directly to its left, and by this flank march to avoid the risk of an unsuccessful attack. With surprising dexterity he withdrew it, corps by corps, unmolested over the river, and followed the course of the latter further down to a more open country, where he crossed it once more, after a circuitous march of twenty-five miles. Strangely enough, his leading corps, under Warren, entered Hanover Town on the 28th May, just two years to a day since the same officer had led the advance of Porter into that place, on the first approach of M'Clellan to Richmond. And now came the striking justification of that hardly-judged commander at the hands of his successor. Lee had at once confronted the Federal army by a slight wheel of his right, and his whole force, still on the defensive, was once more directly interposed between the city and Grant. But the latter, who had lost his Fredericksburg line of supply by his last flank march, and probably doubted the sufficiency of that just opened by waggon-train from the mouth of the Rappahannock (for thither his transports had been directed), resolved to continue his flank march onwards. He pushed his advance across the piece of country between the Pamunkey and Chickahominy with much caution on the 29th, and that day began to use the railroad from Whitehouse to the latter stream, which had been during all M'Clellan's weary leaguer the chief means of transport. His left wing now occupied precisely the same ground which that general's right had done during the long pause in the peninsular campaign; and the same nearness to Richmond which the other won by a better strategy, he had bought by the sacrifice of more than one-fourth of the well-trained troops which had mustered on the Rapidan a month before. The hospitals at Washington and Fredericksburg were crowded with tens of

thousands of wounded; and the resources of that noble institution, the Sanitary Commission, and of the medical department whose shortcomings it supplies, were taxed to the utmost.*

On the other side, the army of Virginia had also suffered severely, and in spite of its general's caution was reduced a full fifth, while Grant, whose losses before leaving Spottsylvania had been already largely made up by drafts from Ohio, was further reinforced on his march down the Pamunkey by the cavalry of Sheridan (for some time absent from the main body), and was now near enough to Butler's present head-quarters to draw his friend Smith thence with the 18th corps. He resolved, therefore, to attack his opponent, who had followed his move down to the Chickahominy; and, if possible, to overwhelm him by superior numbers before his losses were repaired. The Confederates had, however, been so successful in the valley that Lee, for a time, withdrew Breckenridge to his aid, and had thus available for the shock a force not much less than that which originally opened the campaign.

Leaving the two great hosts once more facing each other after a month of constant fighting, marching, and entrenching, we turn to follow the courses of those minor operations on which Grant had counted for the success of his double scheme. In addition to the movements of Sigel and Butler on their respective lines, he had detached Sheridan with the cavalry of the Potomac army as soon as the course of the first two days' battle had shown this arm to be unavailable about Spottsylvania, with orders to pass through the country to the north of Richmond, and operate between it and Lee. In this there was nothing original; for Stoneman had received the same charge from Hooker the year before. Nor did Sheridan perform any

* It is to be regretted that there has been no more perfect account published of the operations of this body than the dry statement we have received from its committee. Founded at first in imitation of our Crimean Funds, it has become a fixed institution of the Federal army, and one of vast importance to the State. The varied exertions made by its promoters to maintain their resources, though stimulated (as is natural in that land of politics) in some degree by party sentiment, have spread abroad a spirit of unselfish sacrifice, contrasting strongly with the baser motives for the prosecution of the war, justly charged against many of the Republicans. The hands of the Government have thus been directly strengthened, while the operations of the generals have been indirectly aided by their facilities for moving with much less than the usual care for the efficient maintenance of their hospitals.

more striking feat upon his raid, which would be little noteworthy, but for its having led to the death of General Stuart, who was shot down in a charge upon a party of the Federal horse which had appeared close to Richmond on the 11th May. Compared absurdly enough to Murat, the Confederate general resembled that great *sabreur* in his fondness for dress and his personal daring, but by no means in the love for a decisive sweeping charge which made the name and fortune of the King of Naples. He had never, though for two years in constant command, made any improvement in the wretched tactics of his own arm of the American service, nor even won from President Davis the promotion he coveted. Yet was he unrivalled in the outpost duties of that difficult country, and doubtless has been sorely missed by his old commander, and the army for which he had so long kept watch.

Sigel's expedition up the Shenandoah was chiefly remarkable for its fully revealing to the Federals the intense hostility to their cause (pregnant fact for Northern statesmen to weigh!) which the deeds of former generals in that district had created. This, and a natural hesitancy, caused him to strip his column so much in order to guard his communications, that when met suddenly by Breckenridge beyond Strasburg, he was very decisively beaten (15th May), with heavy loss in guns and men, and driven down to Winchester. Lincoln instantly superseded —this time without a murmur against the act—the unsuccessful commander, and sent to the post a personal friend, General Hunter. The latter, in the absence of Breckenridge (called, as we have seen, to the aid of Lee on the Chickahominy), began another of those marches up the valley which the high land on either side has throughout the war kept so distinct from other operations.

Butler at this time aided his chief but little more than did the German. His first movement was a feint upon York River to draw the attention of the enemy from the south of Richmond, and it so far succeeded, that when he debarked his force high up the James, he struck without difficulty the railroad from the capital to Petersburg, and sent his cavalry far across the country to that of Danville, promising in his first despatches to wrest them from the enemy. But neither of these important lines was retained by the Federals. Alarmed by a report that Lee was falling back on Richmond, Butler drew in his posts, and confined his operations to a feeble demonstration against Fort Darling, the chief work upon the river; and being sharply attacked in flank by Beauregard on the 16th May (when the Federals lost, by surprise, a whole brigade captured), he

abandoned the offensive entirely, and entrenched his troops strongly upon a deep loop of the river at Bermuda Hundred. His campaign had failed decisively as a separate operation, and Smith with half his force soon left him to join Grant and the main army.

Returning to the latter, we must speak but briefly of the one last attempt which he made to force his way straight into Richmond over the new line of entrenchments which Lee held to the north of the Chickahominy. The so-called battle of Coal Harbour took place on the 3rd June, the position held by the Confederates running from north to south transversely across that wrested by them from Porter at the battle of Gaines's Hill two years before. But the science of the defensive had been practised since then, with terrible effect, by both armies, and Grant's assault was repulsed as sharply and decisively as any of the war. As at Fredericksburg, the Federals moved boldly on, meeting the terrific discharges of the heavy guns without turning, until shaken and torn by the deadlier* volleys of the enemy's riflemen, and, falling back, suffered still more severely than on their advance. In an hour and a half 7,000 of their number were put *hors de combat*, and Grant's campaign, as first laid out, came to an abrupt end in this last bloody reverse. Abandoning suddenly the aid of strategy proper, he resolved to place himself south of Richmond, and by the slower process of partial investment and gradual occupation or destruction of the railroads, to compel the enemy to an evacuation. A new flank march, as ably conducted as any of the former, leaving between himself and Lee the great swamp through which M'Clellan had been forced to make his celebrated 'strategic movement,' brought him to the James. On the 15th June, his army united with Butler's, and on the same day commenced that tedious siege of Petersburg, which, with an equally slow process of advance on the northern bank of the river, has occupied the rest of the year without direct advantage to the cause of the Union.

Lee's victory of Coal Harbour was won at an opportune time; for two days later (5th June) Hunter, in his progress up the Valley, attacked and defeated the small force opposed to him, killing the Confederate general W. Jones, and opening the way to Lynchburg. His advance Grant intended to support by detaching the cavalry of Sheridan across country into the Shenandoah. But this movement had to be made in the face of

* Eighty-one per cent. of the wounded at Fredericksburg were struck by the small-arm fire, according to the medical report.

Hampton, a worthy successor of Stuart, and was foiled by his watchfulness; whilst Lee used his railroad communication to transport two divisions of his army to the threatened point under Early, who easily repulsed the Federals, and drove them once more down to the Potomac. His incursion into Maryland, and subsequent chequered campaign against Sheridan (who was sent with large reinforcements in Hunter's place), we do not here notice; for the events in that district have never influenced to any effect the position of affairs around Richmond. But we must not take leave of the Virginian campaign, considered separately, without noting the important fact that the Federal design in that quarter had so far succeeded as effectually to prevent the sending of men by President Davis to the army opposing the invasion of Sherman.

We left that general preparing to enter on his task with resources in men as far superior to those of Johnston as Grant's were to Lee. But he had neither the constant assistance of a fleet forming a movable base of supplies, nor could he expect any large addition of fresh troops should his present force be consumed. The first of these deficiencies he made up for by the laborious energy with which he collected, before moving, all needful stores, and the care which he used to distribute and guard them along his communications; the second, by avoiding the open assaults in which Grant had so terribly diminished the veteran army of the Potomac.

Moving at the beginning of May, simultaneously with the latter, Sherman was at once confronted by Johnston, who lay at Dalton, thirty miles from Chattanooga. The forcing him from this and a series of similar positions, until the Confederates were pushed eighty miles southward to the Chattahoochie River, which crosses the Chattanooga Railroad close to Atlanta, occupied to the 10th July; and was effected by a series of most dexterous flank manœuvres, the only general assault attempted by the Federals (that of 27th June at Resaca), failing decisively. It should be premised that the country, though broken and difficult, was much more open than the scene of war in Virginia. Of this, and his great superiority in infantry and artillery—in which arms his force just doubled that of the Confederates—Sherman most skilfully availed himself. He did not make a flank march of his whole force, nor extend one end of his line round Johnston's wing, as ordinary precedent would have bade; but holding his enemy in check with a part of his army, detached one or two of his corps by a distant line to seize and entrench themselves on some point which should threaten the Confederate commu-

nications. Not all Johnston's energy, nor the exertions of Wheeler (whose cavalry outnumbered that of the invaders) could prevent this manœuvre being repeated again and again. The Federal generals carried out faithfully their commander's orders to keep to the use of fieldworks and guns wherever practicable; and Johnston continually found himself with separate armies established in front and flank, each so strongly as not to be dislodged by his available means, and was thus forced to a new retreat. As Sherman advanced, the railroad was completely repaired, and its use for the future systematically secured. Entrenchments were thrown up at every station or bridge, and a small garrison left with provisions, ammunition, and the means of repairing any sudden damage to the adjacent parts of the line. This being done at every few miles, defiance was bid to any attempt to disturb the communication from Chattanooga to head-quarters; whilst almost equal care was used to cover the trains which supplied the flanks. Such an elaborate system involved much delay; and Johnston was enabled (as before intimated) to detain the Federals seventy days on their approach to Atlanta.

The advance was none the less unbroken; and when Sherman was preparing elaborately for his passage of the Chattahoochie, he was relieved of great part of his difficulties by the removal of the formidable opponent whose personal ability he fully appreciated. President Davis, who had since the days of Vicksburg been on but indifferent terms with Johnston, had yielded to the clamour raised against the latter for so repeatedly giving ground, and now superseded him in favour of one of his corps commanders, General Hood, known hitherto as a gallant soldier and bold general of division, but in no way marked for the higher qualities of command. This step, so fatal to the Confederate interests in that quarter, was the more inexcusable, in that Johnston's policy of retreating when liable to be thoroughly outflanked was just what Lee had used—as has been previously shown—at the same time, without a word of blame from any quarter.

The progress of the Federals thenceforward has been due both to superior generalship and larger resources. Hood purposely abandoned to them the outer line of works which his predecessor had proposed to defend, and suffered them to approach the strong inner chain which had been long since raised round the so-called Gate City of Georgia. He had resolved on assuming an offensive system, and hoped to repeat upon their flanks, as they drew near, some of those sudden and overwhelming assaults which he had seen so successful in the

hands of Jackson. But the enemy was too wary and his means too small for this scheme. His attacks, made successively on the 20th, 22nd, and 27th of July, failed with great loss, and he was reduced to the safer and less showy policy of strengthening and extending his works to counteract those by which the place was straitened by Sherman. The latter for the next month carried on the double endeavour to enclose the town by siege operations, and to cut off its supplies by separate forays of his cavalry. Kilpatrick with the latter reached, but could not permanently destroy the railroad from Macon, which fed Hood's army; and the Confederates had so protected it for fifteen miles southward of the city by a chain of entrenchments, that Sherman failed to master it by extending his approaches that way. After a fair trial of this process, he changed it suddenly for a bolder strategy. Leaving Slocum with one corps to guard his entrenchments and the head of that railroad which he had secured with such care, he threw the rest of his army completely round Hood's works with a wide sweep to his right, and appearing south of the Confederates, seized a part of the railroad. Of course the difficulties in the way of this movement lay greatly in the matter of supplies, all of which had to be transported with the columns. But these yielded to his foresight and energy; and the vigorous manœuvre was crowned with success. Hood failed to arrest his opponent by seizing the opportunity for an attack in flank upon the way: and afterwards, in the attempt to cover different points, divided his forces, and fought with two-thirds of them only in the engagement that followed, which ended in his defeat and retreat southwards. Slocum meanwhile entered Atlanta without opposition on the 2nd of September, and the first object of the campaign was gained.

Here for a time Sherman paused, and was occupied with storing his new acquisition, and preparing to use it for a new advance. The security of his system of supply had been already sharply tested by the Confederate cavalry, which had been occupied during the recent operations in a vast raid carried as far as Nashville, in the vain hope of interrupting it. Their absence had greatly contributed to Hood's inability to discern and check his adversary's movement, whilst the design which thus removed Wheeler at a critical juncture had so completely failed that, in Sherman's own words, 'No matter when or where 'a break has been made, the "repair train" seemed on the 'spot, and the damage was repaired generally before I knew of 'the break.' The Federal general was therefore fully prepared to push forward with similar precautions to Macon, or beyond

it, when his arrangements should be matured; and Hood's reduced numbers gave no promise of opposing him to any effect. But from the first it seemed probable that the Confederates would prefer to use their lesser force to attempt a counter-stroke on his rear at Chattanooga or Nashville; and in such case he had resolved to invade the country beyond by the bolder means proved practicable in the spring, and to attempt that opening of the Savannah river, and consequent severing of the Confederacy, which had been denied to the forces acting from the sea. To this end he chiefly turned his thoughts, and during the long space allowed to the inhabitants of Atlanta to remove from what had for the time become a mere Federal depôt, in apparently unguarded conversations with all classes he drew the needful intelligence of the state and resources of the country through which he purposed to pass.

It will now be seen that the subsequent movements of Hood, first westward—thus isolating himself from the Confederate centre—and then upon the railroad, was just what his opponent desired. For a time Sherman followed him, and, as was expected, found him unwilling to run the risk of another battle. Hood having utterly failed by surprise to make any important rupture of the line, yielded Dalton, the only station he had taken, to the advance of the Federals, and moved again westward into Alabama, preparing there to cross the Tennessee. This left Sherman opportunity for the full development of his project on Savannah; and his greatly superior force enabled him to leave a sufficient guard for his railroad under Thomas (who has most ably performed his allotted task of occupying the rash invader without yielding any decisive point), and to carry a perfectly equipped army of 45,000 men through the heart of the State thus exposed. The details of the march to the Ogeechee are fresh in the memory of our readers; and all may discern the ability of the strategy and the excellence of the organisation to which its success is due; whilst juster information* than mere Confederate rumour shows that the movement has been conducted with a marked observance of discipline and abstinence from outrage. And whilst we close this notice, the telegraph brings word that the capture of Savannah has rewarded the long toil begun at Nashville; and with it comes the most striking of

* Sherman's orders in detail have already been published, and were most precise as to respect for persons and property, even to avoiding distraining for the army's supplies without leaving food for the inhabitants. Howard and Slocum, the executive officers of his columns, were old officers noted for maintaining strict discipline, and may be trusted to have seen them rigidly obeyed.

commentaries in the news, that what the army alone has there accomplished, army and fleet combined have failed to do at Wilmington, attacked by them from the seaward side.

That Sherman's triumph brings the war near to its close we do not attempt to predict. To us it seems that the end of the struggle is even more a political and financial than a military question. But we return to our original thesis in declaring that this great contest abounds with important professional lessons, to which a new one has been added by the autumn events in Georgia. If a general's perfect adaptation of given means to a required end—if careful forethought in design, with a just mixture of audacity and caution in execution—may fairly challenge our admiration; Sherman's campaign in 1864, and those of Grant and Lee in the preceding years, seem not unworthy to be classed with the highest achievements which the annals of modern warfare record.

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ART. I.—1. *Histoire de la Littérature Anglaise.* Par H. TAINE. 3 vols. 8vo. Paris: 1863.

2. *Tome Quatrième et Complémentaire: Les Contemporains.* Paris: 1864.

To master the entire literature of a country in ancient and modern times; to sit in judgment upon its philosophers, poets, historians, and men of letters; to estimate aright the mind and character of its people; and to combine with scholarly criticism the broadest theories on the religion and destinies of the human race, is a work which none but the most gifted or presumptuous of men would venture to undertake. Even if that country were his own,—if he had been familiar with its language and traditions from childhood,—if he had studied its literature from his youth upwards, he might shrink from an enterprise of such pretension. What, then, must be the courage of an author who aspires to write the literary history of a foreign country? To overcome the perplexities of a strange language, its idioms, its conventionalities, its changes, is among the least of his difficulties. To do justice to his great theme he should be imbued not only with the spirit of the language, but with the genius of the race who speak it. He must be acquainted with their history, and the conditions under which their literature was created. Above all he should be able to rise above the prejudices of his own nation, and to identify himself with the sentiments of a people of another race.

We need not wonder, then, that so few comprehensive histories of any national literature have been written. Of all the countries of Europe, Italy has received the fullest measure of historical criticism. From the works of Tiraboschi, Muratori,

Ginguené, and Sismondi, a complete history of Italian literature may be collected; while the classical associations of that country, the genius of its writers, and the charms of its language, have attracted hosts of critics and biographers. France, with all her cultivation and literary resources, has not yet found an author to do justice to the history of her own national literature. The huge work of the Benedictines is an unfinished fragment, and works like those of Laharpe and Nisard hardly attain to the dignity of literary history. M. Sainte-Beuve, who is regarded by M. Taine as the founder of the school of historical criticism to which he himself aspires to belong, has given to the world in his varied Essays the nearest approach to a history of French literature. Germany, whose searching intellect has surveyed all history, sacred and profane, and whose genius has penetrated every department of learning, was, until lately, without any historian of her own literary achievements. The learned and thoughtful history of Vilmar, however, now presents an historical and critical review of a literature, still in its youth if compared with the older literatures of Europe.* Spain owes to Bouterwek, a German, to Sismondi, a Swiss, and to Ticknor, an American, sketches of her literary history, which none of her own writers had supplied.

England abounds in literary biographies and critical essays; and the labours of indefatigable editors have illustrated the works of all the great masters of English literature. Nor have literary histories been wanting, more or less imperfect. Warton's tedious history of English poetry provokingly concludes with the accession of Elizabeth, and before the commencement of the golden age of English poets. But in truth we possess no broad and comprehensive work to embrace so vast and varied a theme. Hallam, in his 'Introduction to the Literature of 'Europe,' examined the literary history of his own country during the fifteenth, sixteenth, and seventeenth centuries; but a work of so wide a scope, however able, could not embrace a complete view of the copious literature of England. In 1844, Professor Craik presented a more comprehensive survey, in his 'Sketches of the History of Literature and Learning in 'England,' which attracted less attention than they deserved, from the unpretending form in which they were published. A revised edition of this work appeared in 1861, under the title of 'A Compendious History of English Literature, from the

* Geschichte der deutschen National Literatur, von A. F. C. Vilmar.

'Norman Conquest,' which, without pretending to any deep philosophy or original criticism, maps out the whole field of English literature with creditable scholarship and patient learning. Professor Craik was followed, in the present year, by Mr. Morley's first instalment of a work of higher pretensions, which proposes to tell, in a philosophical spirit, 'the 'story of the English mind.'* Meanwhile, however, he has been anticipated by a French scholar and critic of remarkable talents, who has just published a history of English literature, from the earliest ages to the present time. To this work we now propose to call the attention of our readers.

A French book is rarely altogether dull; we may be sure that its plan will be symmetrical, its style light and spirited, its language epigrammatic. Its theories, even if shallow or unsound, will assuredly be suggested in the happiest form; and should it relate to England, we naturally expect to meet with pleasant sarcasms upon our climate, our dress, our manners, our cookery, our society, and our morals. But the work of M. Taine comes to us introduced by a name already famous in France, and not unknown in England. M. Taine was born in 1828, and his talents were displayed from an early age. At college he was becoming familiar with ancient and modern literature, while other youths were still plodding over their dictionaries and grammars. Nor was he long content with the mere learning of a student: he soon ventured upon original thought and speculation. In an Essay on the Fables of La Fontaine, written for his degree as Doctor of Letters, and published in 1853, he first propounded certain critical theories which he has continued to advocate in his later works. In 1855, the French Academy awarded him a prize for the best essay on Livy, which displayed not only good writing and scholarship, but views of criticism so bold and original as to startle the grave academicians who sat in judgment upon it. Showing little deference to received opinions, he took an independent line of his own, which he was able to hold with spirit and a happy confidence in himself. Such a man was evidently destined to achieve fame in literature. He was not to be tempted by a small professorship, which would have doomed him to teach inferior intellects, again and again, what he had already learned himself, but chose boldly the career of a man of letters, which commands more flattering distinctions in France

* English Writers. The Writers before Chaucer; with an Introductory Sketch of the Four Periods of English Literature. By Henry Morley. 1864.

than in any other country of Europe. His pen has never since been idle; and having further displayed his talents as a critic, in essays upon the French philosophers of the nineteenth century, and upon criticism and history, his efforts have culminated in the more ambitious work which lies before us.*

Its intrinsic literary merits come to us recommended by a Committee of the French Academy, who unanimously adjudged a prize to its author. The Academy, however, refused to confirm the award of its Committee, on the ground that M. Taine's system was in violation of the received principles of philosophical orthodoxy.† We may regret that the author should have forfeited this literary honour; and we wish the Academy could have left him the prize, while they protested against his opinions. But the censures with which that learned body has been assailed in France on this occasion are unjust; because in judging of the claims of a philosophical work, it is difficult to separate its literature from its philosophy. Surely the Academy had a right to say that philosophical error, however cleverly maintained, was not entitled to distinction at its hands.‡

M. Taine's philosophy will be still less acceptable in England; for while it shocks many received opinions in regard to religion, morals, and history, it is applied to our character and literature, in a manner offensive to the national pride and cultivated taste of Englishmen. To many of M. Taine's principles and opinions we entertain strong objections; but though we shall have occasion to contest his conclusions, we are not insensible to the comprehensive scheme of his work, the originality of his style, the felicity of his illustrations, the discrimination of many of his criticisms, and his rare familiarity with the English language. Unfortunately, notwithstanding these merits, M. Taine is entirely deficient in those qualities which are necessary to raise his work to the standard he himself proposes. He has read with marvellous

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* The following is a list of M. Taine's published works:—'La 'Fontaine et ses Fables, 4th ed.;' 'Essai sur Tite Live, 2nd ed.;' 'Voyage aux Pyrénées, 4th ed.;' 'Les Philosophes Français au 'XIXe. Siècle, 2nd ed.;' 'Essais de Critique et d'Histoire;' 'L'Idéal-'isme Anglais: étude sur Carlyle, 1864;' 'Le Positivisme Anglais: 'étude sur Stuart Mill, 1864.'

† Le Constitutionnel, 13th June, 1864: Notice par M. Sainte-Beuve.

‡ We learn, with pleasure, that M. Taine has just been appointed by the Emperor to the chair of Art and Æsthetics, in the *Ecole des Beaux-arts.*

industry a vast number of English books. We can hardly discover any portion of the wide field of our literature which is unknown to him. But he writes of England as the late Mr. Buckle wrote of countries which he knew by books and by books only. His ignorance of the real character of this country and of its people is extreme. Nay, it is worse than ignorance, because he substitutes for the facts which he does not know the wild and fantastical theories of his own facile pen. He is intoxicated by his style until he believes in monsters of his own creation. Morality, religion, and the domestic virtues appear to have been among the first objects which attracted M. Taine's attention in England, as if they had not previously fallen within the sphere of his observation: but to this first discovery he soon added a second—that the effect of these peculiarities was only to ripen hypocrisy, the principal fruit of the English soil. It is indeed marvellous that a man should have acquired so considerable a knowledge of our books, and so little of the country which produced them. But with the French, ingenuity is apt to supply the place of observation. No people in Europe are so incapable of comprehending and appreciating foreign nations. M. Taine's recently published letters on Italy are just as clever and just as absurd as his estimate of England. He sees as much of the world as a man can do, whose whole field of vision extends along the Boulevards of Paris; everything else is in the clouds, unsubstantial, amusing, and essentially untrue.

This work is therefore radically deficient in that soundness of judgment and historical precision which might have given to it a permanent value, even in this country; and we regret its imperfections the more as it is written in a spirit calculated to perpetuate the vulgar prejudices which have too long prevailed between the two greatest nations of Europe. M. Taine is never weary of denouncing the forced expressions, the accumulated metaphors, and the complicated structure of English composition. But these are precisely the defects of his own style. Everything he says is overstrained. The art of good writing in the French language is to be essentially clear, simple, and correct. M. Taine struggles under a redundancy of ornament which oppresses the reader; and in his perpetual effort to say everything in a forcible manner he becomes coarse and fatiguing. Indeed, we question whether he has any perception of the highest qualities of style. He quotes some of the finest passages of Burke and Junius as specimens of their bitterness of feeling and power of invective: but he does not seem aware of the exquisite polish of the blade that inflicts so mortal a

wound. He dilates on the roughness and strength of Shakspeare, but he entirely fails to catch the delicacy and marvellous fitness of his diction; and we attribute this defect not so much to an imperfect knowledge of the English tongue, as to a want of refinement in M. Taine's own character, which may be traced throughout these volumes.

We will now proceed to follow M. Taine through his survey of English literature,—pausing, when necessary, to express our own opinions, but avoiding lengthened controversy. The Introduction lays down, with scientific precision, M. Taine's historical theory, by which he determines the religion, the laws, the social habits, the literature, and the arts of different nations. Three causes contribute to the elementary moral condition of a people—'race, position, and period.'* The primordial characteristics of the distinct races of mankind are almost immutable: they may be modified by changes of climate and situation, but their distinctive principles are never to be effaced. In the 'position' of a nation are included its geographical situation, its climate, the character of its country, and other conditions by which it is surrounded. By 'period' is signified any given epoch in the progress of a nation towards civilisation. These three conditions of race, position, and period being ascertained, the moral and intellectual character of the people may be determined. Here is the true key to the science of history and criticism. This is very much the doctrine of Mr. Buckle, and we suspect M. Taine has unconsciously borrowed a good deal of his philosophy from the same source. The merits of the theory must be tested by its application. In his essay on La Fontaine, M. Taine pressed his theory to the very verge of absurdity. La Fontaine wrote his fables not because he was a man of genius, but because moral necessity made him a poet, and just such a poet as he was. He was a Gaul, he lived in Champagne, and had been admitted to the Court of Louis XIV.,—thence his fables. A theory applied in this fashion cannot command the assent of any rational thinker. It is the science of history caricatured and travestied. In his present work, M. Taine holds to the same theory, but so qualified as to be little more than a philosophical commonplace. But it is no discovery of his: writers in all ages have noticed the influence of race, of climate, and civilisation upon the mind of a people; nay, it is generally taken for granted. It needs no profound philosophy to observe the essential differences between an Englishman and a French-

* 'La Race, le Milieu, et le Moment,' p. xxii.

man; nor to account for change in the mind of a people in different ages. Everyone must be sensible that no Frenchman could have written 'Paradise Lost,' nor any Englishman Béranger's songs: and that the poetry of Chaucer or Corneille could not have been conceived in the reign of Queen Victoria.* M. Taine's theory may be either a paradox or a truism, according to its application. Sometimes we shall find it pressed as far as in the case of La Fontaine, to the exclusion of individual genius and the free will of man, and sometimes paraded where there is no need of any theory at all. At the same time his theory has naturally tempted him to exaggerate and give undue prominence to those facts which support it, and to overlook other facts, no less material to just conclusions, which happen not to bear upon it.

First we are introduced to the original races from which the English people sprang—Saxons, Angles, Jutes, Frisians, and Danes—half-naked savages from the marshes and forests of the North of Europe. A hopeful parentage! Having lived, in their own countries, amid rain and storms, their minds were naturally gloomy; and when they crossed over the seas into Britain, they found a climate congenial to their Northern temperament. With perpetual rain, mud, and darkness, what could these savages do but hunt, fish, and tend swine, gorge themselves with flesh, and get drunk with strong liquors? One solitary virtue, however, was due to this wretched climate. The people, driven to their own firesides for warmth, acquired domestic habits; their descendants have inherited a taste for domestic life as well as drunkenness.† 'It is not with such

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* These influences were well described by Lamennais. 'Plus je 'vois, plus je m'émerveille de voir à quel point les opinions qui ont 'en nous les plus profondes racines dépendent du temps où nous 'avons vécu, de la société où nous sommes nés, et de mille circon-'stances également passagères. Songez seulement à ce que seraient 'les nôtres, si nous étions venus au monde dix siècles plus tôt, ou, 'dans le même siècle, à Téhéran, à Bénarès, à Taïti.'

† The author's description of our ancestors and ourselves is so characteristic that it must be cited from the original:—'De grands 'corps blancs, flegmatiques, avec des yeux bleus farouches, et des 'cheveux d'un blond rougeâtre; des estomacs voraces, repus de 'viande et de fromage, rechauffés par des liqueurs fortes: un tem-'pérament froid, tardif pour l'amour, le goût du foyer domestique, 'le penchant à l'ivrognerie brutale: ce sont là encore aujourd'hui 'les trais que l'hérédité et le climat maintiennent dans la race, et ce 'sont ceux que les historiens romains leur découvrent d'abord dans 'leur premier pays.' (Vol. i. p. 9.) Before M. Taine repeats his

'instincts,' says M. Taine, 'that a people quickly attain culti-'vation.' This is his cherished theme; he is never weary of dilating upon our climate, our drunkenness, and natural stupidity.* He allows, however, that the Saxons had many virtues: their manners were severe, their inclinations grave, and of a manly dignity; they had no taste for luxurious pleasures; they showed a spirit of independence and freedom; and had a grand sense of duty. They made one step out of barbarism, but it was only one step. 'This naked brute, who 'lies all day by his fire-side, in dirt and indolence, between 'eating and sleeping, whose coarse organs cannot trace the de-'licate lineaments of poetic forms, has glimpses of the sublime 'in his agitated dreams. He feels what he cannot form; and 'his faith is already the religion of his heart, as it will be when 'he rejects in the sixteenth century the ceremonial worship of 'Rome.' We infer from this tirade (if it has any meaning at all) that our Protestant faith, which we had believed to be due to a study of the Gospel and free inquiry, was simply the work of our vile climate.'

Their songs and poetry attest the character and manners of the Saxons. 'The persons represented are not selfish 'and cunning like those of Rome; but brave hearts, simple 'and strong, true to their kinsmen and to their lord in battle, 'firm and staunch towards enemies and friends.'† They were loyal to the state, and faithful to their wives, who were serious and respected. They had no love songs, for love with them was not an amusement and a pleasure, but an engagement and a duty. Everything was grave and even gloomy; they had a profound poetic sentiment; but it was one of vehemence and passion; they had no art or natural talent for description. A race so serious, and averse to a sensual and expansive life, were quite prepared to espouse Christianity. 'Unlike the 'races of the South, naturally pagan, and preoccupied with the 'pleasures of life, they became Christians by virtue of their 'temperament and climate;' 'and more than any other race in 'Europe they were akin, in the simplicity and energy of their 'conceptions, to the ancient Hebrew spirit.'‡ But the new faith could not enlighten them; and amid their woods, their mud and snow, and under their inclement and gloomy sky, they continued dull, ignorant, fierce, gluttonous, and brutal, until the Norman Conquest. Such is M. Taine's cheerful

statement concerning the *sera juvenum Venus*, he should consult some magistrate conversant with the statistics of paternity.

* Vol. i. pp. 13, 75, 94, &c.

† Vol. i. pp. 50, 51.

‡ Vol. i. p. 31.

picture of the first period of our national history. Every English reader will pronounce it overcharged and extravagant; but it favours his cherished theory. We would add that, with all this pretence to ethnological science, he has wholly overlooked the Celtic races of these isles, who differ as widely from the German type as the French from the English.

It was the mission of the Normans—or, in other words, of the French*—to introduce civilisation into England. The Normans—themselves a Northern race—had, by intermixture with the French, acquired the quickness and cultivation of that lively people; and the invaders were joined by adventurers from all parts of France. When they had conquered the Saxons, they built churches and monasteries; founded schools and libraries, and cultivated learning. They talked with ease and fluency, as we can readily believe; their poets and chroniclers told tales of battles, embassies, processions, and the chase, in the spirited and sprightly style peculiar to their race. They changed the spirit of war by sentiments of honour and chivalry; and the manners of society, by gallantry to women. Light and gay in disposition, they sought amusement in their lives and in literature. Their imagination was never great; but they excelled in conversation, in taste, in method, in clearness and piquancy of style; and these arts they were now to teach the Saxons.† For two hundred years the literature of the country was French. The ruling race even strove to efface the Saxon tongue; but the language of the people prevailed. According to M. Taine, the Saxons were too stupid to learn a foreign language; but, in truth, the conquerors, overcome by numbers, were gradually merged in the masses of their subjects. Terms of law, of science, and of abstract thought were French; but all words in common use continued Saxon. This combination formed the modern English, in which we proudly recognise the mastery of Saxon speech. But M. Taine appears to be utterly unconscious that after, as well as before the Conquest (as we had occasion to show in our very last Number), the essential elements of the national character, laws, liberties, and language remained unaltered.

The Normans, while setting an example of courtesy and refinement of manners, were ferocious and cruel in temper, and disorderly in their lives. Silly and idle tales amused their

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* Vol. i. pp. 80, 81.

† 'Et voilà ce que nos Français du onzième siècle vont pendant cinq cent ans, à coups de lance, puis à coups de bâton, puis à coups de férule, enseigner et montrer à leurs Saxons.' (Vol. i. p. 102.)

leisure hours; but no attempt was made to cultivate their minds. Meanwhile their iron rule had repressed the growth of Saxon literature. But the subject race were still the bone and sinew of the country; they were constantly gaining ground upon their conquerors; and by the middle of the thirteenth century, the two races, united, had grown into the great and free English people, having a voice in public affairs, and returning representatives to Parliament. Men who delighted in ballads of Robin Hood and other fighting worthies, were able to maintain their own rights, by courage and the strong right arm; and they won their freedom, while France and other races were still at the mercy of absolute monarchs and feudal lords.* The same spirit which had withstood kings and nobles, was prepared to strive against the wealth, pride, and corruptions of the Church. The 'Vision of Piers Ploughman,' written about 1362, expressed the popular jealousy of the pomp and luxuries of the clergy; and, a few years later, Wiclif translated the Bible, and was preparing the way for the Reformation.

And now, the English language being formed, a great poet arose to prove its richness. Chaucer was an accomplished gentleman, and man of the world: he had seen courts and camps, and lived in the most polite society of England and the Continent. His poetry derived its first inspiration from Italy; but it was otherwise thoroughly English. His temperament was as gay and airy as the French; but his humour was of the true English savour. With a dramatic conception of characters, and a coarse spirit of satire, he united an impassioned love of nature, and a vein of serious reflection, characteristic of the English mind. His verse was as rich and musical as the half-fashioned language of his time would allow. He has been called the Homer of his country†; and certainly he was our first great poet.

With a new language and a great master, may be said to have commenced the history of truly English literature; and here M. Taine, laying aside, for awhile, historical speculation, assumes the office of critic, for which he has rare aptitude. When not led astray by delusive theories, or national prejudice, he apprehends, at once, the distinctive traits of a writer's mind; discerns his merits and defects with the nicest discrimination, and assigns him his true place in the commonwealth of letters; and his critical talents become more conspicuous as he

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* Vol. i. pp. 103–160.

† Craiks' Hist. of Literature, vol. i. p. 46.

advances to times and writers more congenial to his taste. He has spared no pains to make his countrymen familiar with our best writers, by admirable translations of selected passages, the originals appearing in the notes.* So true and spirited are some of the translations of Chaucer and other early poets, that his version may serve as a commentary upon obscure phrases in the original text. The following lines may be taken as an example:—

'And as the new abashed nightingale
That stinteth first, when she beginneth sing,
When that she heareth any heerdes tale,
Or in the hedges any wight stearing,
And after siker doeth her voice outring:
Right so Cresceide, when that her drede stent,
Opened her herte, and told him her entent.'

These lines are thus translated:—

'Et comme le jeune rossignol étonné,
Qui s'arrête d'abord, lorsqu'il commence sa chanson,
S'il entend la voix d'un pâtre,
Ou quelque chose qui remue dans la haie, †
Puis, rassuré, il déploie sa voix,
Tout de même Cresside, quand sa crainte eut cessé,
Ouvrit son cœur, et lui dit sa pensée.' (Vol. i. p. 189.)

Again, we must follow M. Taine as an historian, fertile in theories, and most ingenious in the collocation of facts. We are approaching what he terms 'the Pagan Revival' (*La Renaissance Païenne*). For seventeen centuries, he says, an idea of the weakness and decay of the human race had taken possession of the minds of men. Greek corruption, Roman oppression, and the dissolution of the ancient world had given rise to it; the Christian religion had kept it alive, by warning its disciples that the kingdom of heaven was at hand; the crumbling ruins of antiquity deepened this gloomy sentiment; and when men were beginning to arouse themselves from the depression of the dark ages, their spirit and hopes were crushed by the Catholic Church. On this point his observations are so striking that we must give them entire:—

'The (Christian) religion, fluid in the first ages, was now congealed into a hard crystal, and the gross contact of barbarians had deposited

* The English extracts will need a careful revision in a new edition, as the French printers have fallen into many inaccuracies, which the author has overlooked.

† M. Taine has missed the sense of the word 'wight,' which is not 'quelque chose,' but 'quelqu'un.'

upon its surface a layer of idolatry: theocracy and the Inquisition, the monopoly of the clergy, and the prohibition of the Scriptures, the worship of relics and the sale of indulgences, began to appear. In place of Christianity, the Church; in place of a free creed, enforced orthodoxy; in place of moral fervour, fixed customs; instead of the heart and stirring thought, outward and mechanical discipline: such are the characteristics of the middle ages. Under this constraint thinking society had ceased to think; philosophy had turned into a manual, and poetry into dotage; and man, inert, kneeling, delivering up his conscience and his conduct into the hands of his priest, seemed but a mannikin fit for reciting a catechism, and mumbling over his beads.' (Vol. i. p. 250.)

At length a new spirit was awakened in the laity. There were discoveries in science and the arts; literature was revived, and religion transformed. 'It seemed as if men opened their 'eyes all at once, and *saw*.' 'The ancient pagan idea re-'appeared, bringing with it the cultivation of beauty and 'force: first in Italy—for of all the countries in Europe it is 'the most pagan, and the nearest to ancient civilisation; next 'in France and Spain, and Flanders, and even in Germany, and 'lastly in England.' Under the Tudors a sense of the beautiful, a taste for enjoyment and refined luxuries, was growing up. The nobles left their gloomy castles and stagnant moats for elegant palaces, half Gothic, half Italian, ornamented with gardens, fountains, and statues. The fashions of dress, of banquets, and of fêtes became more costly and magnificent; masques were played for the entertainment of the Court, preparing the way for the drama. Everything appealed to the senses and to nature. The study of the classics was revived; and after the doleful legends of the middle ages, it was delightful to see once more the radiant Olympus of Greece. The literature of Italy was pagan in its origin, its language, and traditions; and from this source Surrey, Sidney, Spenser, and Shakspeare sought examples and materials for their poetry. The revived art of Italy and her disciples was also pagan. The lean, deformed, and bleeding Christ of the middle ages, and the livid and ill-favoured Virgin, were changed into noble and graceful forms. It was now the study of artists to represent the human body to perfection, in its unveiled beauty; and the splendid goddesses of antiquity reappeared in their primitive nudity. Even the Madonna was but a Venus draped. Art had again become sensuous, and idolised the body rather than the soul.

All this may be very true, but M. Taine must allow us to assure him that it explains nothing in the intellectual life of England. These incidents of this intellectual revival in the sixteenth century are truly and vividly told. But the reader will

hesitate to accept the inference that its inspiration was pagan. True that poets and artists profited by the glorious monuments of ancient genius: but at both periods perfection was attained by a close study of nature; and when men had outgrown the traditional types of monkish times, they resorted to the noble models which nature herself set before them. Homer and Virgil had studied nature; and so did Chaucer, Spenser, and Shakspeare. Praxiteles had studied nature; and so did Raphael and Titian. The human mind and forms of natural beauty are eternal, and the same in ancient Greece, in modern Italy, and in England. The conceptions of modern genius often took their shape and colouring from the examples of antiquity, but not their inspiration, which came direct from nature. And, moreover, it was the genius of Greece and Rome—not their paganism—that found students and admirers. Their heathen faith was dead, and had left no believers: their deities had become the pleasing fictions of poets; and, as has been finely said by an Irish writer of genius, 'Religious ideas die like the sun; their last rays, possessing 'little heat, are expended in creating beauty.'*

Even M. Taine, when he has concluded his amusing but fanciful chapter, proceeds to say that 'paganism transplanted 'into other races and climates receives from each race and 'each climate distinct traits and an individual character. It 'becomes English in England: the English revival is the 'revival of the Saxon genius.'† In other words, this revival is the very reverse of the 'renaissance' which took place in the arts and literature of the Catholic nations — of Italy and of France: for this very Saxon genius, as he had already shown, had been, in early times, opposed to pagan worship, and ripe for the spiritual faith of Christ: it had lately purified that faith from every taint of paganism derived from Rome; yet we are asked to believe in the pagan inspiration of modern English literature. It is a pleasant conceit, in which M. Taine has mistaken incidents for causes, and suffered an attractive theory to obscure the truth.

But we must proceed with the story of this literary revival. The Earl of Surrey has been called the English Petrarch. Familiar with Dante, Petrarch, and Ariosto, he refined the rude verse of his own time with the graces of Italian poetry. His mind was even cast in the same mould as Petrarch's; but his spirit and sentiments were not the less English. This

* Lecky's History of Rationalism, vol. i. p. 286.
† Vol. i. p. 277.

difference is well illustrated by M. Taine in the sentimental abstraction of Petrarch's Laura, and Surrey's devotion to his own wife. 'The poetic dream of Petrarch became in Surrey 'the exact picture of profound and perfect conjugal affection, 'such as it still exists in England, and such as all the poets, 'from the author of the "Nut-brown Maid" to Dickens, have 'never failed to represent it.'* Surrey's elegance and taste rendered great services to English poetry: but he wants the fire and passion of poetic genius. M. Taine, with his usual discernment, observes that 'in his sonnets he thinks less often 'of loving well, than of writing well.'

We are next introduced to Sir Philip Sidney, as the first of a host of Elizabethan poets, who, says the author, being of German race, were not restrained, like the Latin races, by a taste for harmonious forms, but preferred a forcible impression to a beautiful expression. He sees in Sidney's poetry 'charm-'ing imaginations—pagan and chivalrous—in which Petrarch 'and Plato seem to have left their memory.' In every natural beauty of the poets of this age he discovers the prevailing paganism; but happily 'spiritual instincts are already piercing 'through it, and making Platonists preparatory to making 'Christians.'† If the pagan theory can be impressed upon us by repetition, it will be no fault of M. Taine that we are not converts: yet it is hard to persuade ourselves that after the Reformation our best English writers were no nearer to Christianity than Plato. If it were possible for M. Taine to lay his theories on one side, we should accept him with pleasure as one of the most eloquent and discriminating critics who have studied the literature of the Elizabethan age. In his chapters on Sidney and Spenser he rises to a genuine enthusiasm, and the magical charm of these poets has never been more faithfully rendered in a foreign language.

Spenser was the greatest poet of this age, and above all poets who had yet flourished in England. The richness of his imagination, his poetic spirit—at once gentle and impassioned,—his deep sense of the beautiful in nature, and in the human mind, the melody of his verse, and the grace and vigour of his language, combined to place him beyond all rivalry. Allegory was the fashion of his time, and M. Taine compares him to Rubens, whose allegory swells beyond all rules, and withdraws fancy from all law, except that of form and colour. In a poet so devoted to natural beauty, and so familiar with classical and Italian models, he readily discovers another example

* Vol. i. pp. 277–285. † Vol. i. pp. 289–311.

of the pagan type in a Christian race, and the worship of form in a Northern imagination.* It would have been at variance with his theory to believe that an English temperament, without pagan inspiration, could be instinct with a passionate love of nature; yet as a critic he cannot fail to observe that English poets, above all others, dwell upon the beauties of natural scenery. This sentiment we hold to be indigenous: it breathes through our poetry; it thrills in the hearts of all cultivated Englishmen; it is a strong natural impulse of our race, and not a borrowed fancy. It surpasses the models which we are said to have followed, in freshness, simplicity, and truth.

The school of Elizabethan poets passed away suddenly, like the schools of painting in Italy and Flanders, and was succeeded by a feebler race,—by Carew, Suckling, and Herrick—in whom, says M. Taine, 'the pretty replaced the beautiful'—by Quarles, Herbert, Babington, Donne, and Abraham Cowley. Poetry was dying out; but the intellect of this age of revival was not confined to poetry and song. It is only in the infancy of a nation that its whole mind is expressed in that simple form. But the mind of England was now expanding in literature and learning, in science and the arts, in industry, in social, political, and religious enlightenment. The language was ripening, and growing in richness, force, and amplitude. The religious regeneration of the people was the main cause and most striking incident of this revival: but its consideration is postponed to a much later portion of M. Taine's history. Nor, according to his scheme, could this have been otherwise; for it would have tried even his ingenuity to place in the foreground of his spirited sketch of a 'pagan' revival, the great religious movement which filled the minds of men, above all other thoughts, and was essentially antagonistic to the spirit of paganism. But we will follow, as he leads, to the prose writers of the period.

To criticise and illustrate prose is far less attractive than the more picturesque treatment of which poetry naturally admits; but we can scarcely forgive M. Taine for passing over, in a couple of pages, the prose writers of a century. We think that, even at the sacrifice of some of his accustomed animation, he might have done more ample justice to these worthies, while he consulted the due proportion of his own work. He dismisses them as a body with a few contemptuous remarks. 'They have not the spirit of analysis, which is the art of following, step by step, the natural order of ideas, nor the spirit

* Vol. i. pp. 328–369.

'of conversation, which is the talent of never wearying or 'shocking others. For the most part they are tiresome pedants, 'never maintaining the proper level of prose,' 'but rising 'above it by their poetic genius, and falling below it by the 'heaviness of their education and the coarseness of their man-'ners.'* He condescends, however, to single out three writers from this crowd,—Robert Burton, Sir Thomas Browne, and Francis Bacon.

He is attracted by the learning, imagination, and quaint humour of the eccentric author of 'The Anatomy of Melan-'choly,' who reminds him of his own countryman Rabelais. In the inventive philosophy of Sir Thomas Browne, he perceives the imagination of a poet, conceiving and anticipating the discoveries of science. But of all the thinkers of this age, Francis Bacon was the deepest and most comprehensive, and his style was not less excellent than his wisdom. It was his special art to enforce scientific truths by imagery and illustration, or, as M. Taine most happily expresses it, 'by 'symbols, not by analysis.' 'Hence a style of admirable rich-'ness, gravity, and force, sometimes solemn and symmetrical, 'sometimes close and incisive,—always studied and coloured. 'There is nothing in English prose superior to his diction.' And again: 'There is no proof, no effort to convince: he 'affirms, and that is all: he has thought after the manner of 'artists and poets, he speaks after the fashion of prophets and 'divines.' 'In fine, his process of thought was that of creators, '—not argument, but intuition.' All Bacon's philosophy took a practical direction for the benefit of mankind. With him the object of science was the production of useful arts. And by inverting the synthetic reasoning of the ancients, and introducing inductive philosophy, he laid the true foundations of scientific discovery. It may be true, as M. Taine observes, that while he taught others to discover natural laws, he discovered none himself: but his own discovery was great enough for a single mind, and he might well leave its practical application to other men, according to their special gifts and opportunities.

As a review of the entire mind and writings of Lord Bacon M. Taine's sketch is imperfect; but, on the whole, he appreciates his genius not unfairly. He is not prepared, however, to allow Lord Bacon the credit of his own rare endowments. Such an admission would be at variance with his theory. No. Lord Bacon is merely an example of the force of surrounding

* Vol. i. pp. 370–388.

circumstances, or '*milieu.*' 'Man thinks he is doing every-'thing by the force of his own thought: and he does nothing 'but with the concurrence of surrounding thoughts: he im-'agines he is following the small voice which speaks within 'himself, and he only hears it because it is spoken by a thou-'sand loud and imperious voices, which, proceeding from far 'and near, vibrate in unison with it.' And so it was with Lord Bacon. He was a philosopher, not by the force of genius, but because mankind had ceased to believe in the decline of the human race, and the approaching end of the world. 'To be developed, an idea must be in harmony with 'the civilisation which surrounds it;' and yet, as if to contradict this very theory, he remarks that 'the last representatives 'of ancient science, like the first representatives of modern 'science, were exiled, imprisoned, assassinated, or burnt;'* or, in other words, thought and discovered in defiance of the opinions and voices of their contemporaries. No one will be disposed to ignore the influence of surrounding circumstances upon the minds of men; but we cannot allow it a creative power. It communicates an impulse and direction to the general current of thought, at particular periods; but above and beyond it, will soar the genius and virtue of lofty souls; —and these are the special gifts of God.

After this brief sketch of the prose writers of this period, M. Taine enters upon the subject dearest to French taste —the theatre. Here he revels and luxuriates far into his second volume. He indulges a twofold pleasure;—as a critic, he is full of relish for his work; as an historian, he is able to expose the coarseness of the English stage and the rude manners of the people. The stage is the very mirror of the times; and he holds it before us with an air of exulting mockery. And first we are introduced to the pit of the Globe Theatre. It is open to the watery sky of London, and is made no better than a pig's sty by the brutal crowd who throng it. With such spectators what need of high dramatic art, of scenery, of the proprieties of time or place? They were willing to see Africa on one side of the stage, Asia on the other, and many secondary states in the middle: the imagination of the public was the only stage machinist. They were ready to feel all, as the poet was to dare all; and this was due to the free and complete expansion of nature at this period. The people were uncivilised beings—full of animal life and spirits; the nobles were coarse, violent, and sensual; and

* Vol. i. pp. 410–414.

society, having just thrown off the trammels of the old faith, had not yet come fully under the moral restraints of Protestantism. It was awakened, by the stirring spirit of the time, to a longing after happiness and a boundless capacity for enjoyment, like a youth when he first finds himself a man. An audience so constituted was prepared for whatever fare the dramatist provided; they were not shocked at scenes of blood, nor offended by the coarsest humour; they were not above the silliest buffoonery; but they were also susceptible to gentler sentiments and higher emotions.

All this was natural to any half-civilised society; but it seems that there were also passions, peculiarly English, which the dramatists sought to gratify. The English, we are reminded, were a fierce race, accustomed to war, and familiar with public executions, living in an execrable climate, grossly fed on beef and beer, and consequently savage, gloomy, and desponding. 'A dark and threatening mist covers their 'spirit like their sky;' and hence the stage was filled with massacres, punishments, and crimes. The temperament of Latin races, living under brighter skies, led to representations of beauty and happiness; but here the character of the people encouraged scenes of fierce energy, agony, and death.* This flattering portrait of Englishmen favours a theory, but is it true? We would ask M. Taine to point out in English history any examples of bloodthirstiness to be compared with the foul murders perpetrated by princes of Southern race,—the D'Estes, Borgias, and Medicis. He has drawn a frightful picture of English history and English society in the reigns of the Tudors, and he infers that the passions of the English drama were but the echo of the fierce and sanguinary contentions out of doors. But M. Taine entirely confounds the spirit of the country with the spirit of the age. No doubt blood was shed like water by the Tudors; but was the House of Valois, was the gay and brilliant Court of Touraine, less superstitious and less cruel? Was the House of Guise a model of the gaiety and simplicity of the Latin races? Did not every enormity culminate under the influence of Catherine de Medicis and Charles IX.? It is nonsense to attribute to influence of climate and race effects which took their origin in the manners and passions of the age; and if a comparison were drawn between England and France by the light of their history, the heaviest burden of acts of ferocity and violence would not lie at our door. Has M. Taine forgotten that barely

* Vol. i. pp. 436–445.

seventy years have elapsed since the massacre of the Abbaye and the holocausts of the Reign of Terror? What tragedy ever reached the intensity of the French Revolution? And as to coarseness, there is nothing in the whole range of the Elizabethan literature to be compared with the obscenity of Voltaire in several of his most popular writings.

But to proceed with the drama: M. Taine has described the audience—and who were the dramatists? Unable to earn their bread as writers, they were forced to become managers and actors, and led the life of comedians and artists—reckless and dissolute, spent with abandoned women and wild young men, and closing in exhaustion, indigence, and death. Such being the instructors of the play-going public, what could be expected but a depraved drama?

We cannot follow M. Taine through his survey of the minor dramatists — Peele, Greene, Marlow, Ford, Massinger, Beaumont and Fletcher—from whose plays he culls examples of coarseness, and illustrations of the *boule-dogue* character of the English, while he has overlooked many beauties which English editors and critics have heartily commended. But, after all his contemptuous reflections upon the character of these authors, and the taste of their audience, he has scarcely proved his case against them. It is true that there was little unity, proportion, or fitness of things in their plots, and that they were not over-nice in their language: we should not hold them up as examples worthy of imitation or study; but there is a poetic fire and grandeur in their conception of character and expression of passion, of which M. Taine has formed a very imperfect notion.

We must now hasten on to the greater dramatists—Ben Jonson and Shakspeare. Ben Jonson was, according to M. Taine, the true type of an Englishman, having a heavy ungracious gait and 'mountain belly,' and being proud, combative, morose, and subject to fits of spleen. Such was he by nature; but, being a scholar well versed in classical literature, he learned to arrange his thoughts as well as if he had been of Latin race. It is consolatory to find that an Englishman may sometimes hope to become logical, by constant study of Latin or French models; but alas! poor Ben Jonson sacrificed his dramatic genius to his uncongenial logic. He observed unity of time and place, indeed; but he was too methodical, and kept too constantly in view the design and moral of his plot,—representing abstract virtues and vices, rather than actual men and women. The moralist and logician prevailed over the dramatist. But for those too accomplished Latins, he would have

written better plays. And after all this sacrifice to method and symmetry, it appears that he was not a philosopher like Molière, who pursued similar principles of dramatic composition. Nothing, however, could obscure the natural force of his imagination, his humour, his vigorous satire, his erudition, or the power of his racy English speech. He was a great poet and dramatist, and second to Shakspeare alone.*

We are naturally curious to learn M. Taine's view of the greatest of English poets; and his manner of dealing with Shakspeare is characteristic. The poet is so great that he can only be understood by the aid of science—which, with our author, signifies a theory. Now what theories will help us to understand Shakspeare? If they can be found, we shall be only too ready to embrace them. They are at hand. 'Wisdom 'and knowledge are in man nothing but effects and accidents;' 'man being foolish, as his body is sick, by nature.' 'Without 'any distinct and free power of his own, he is a creature of 'a series of impulsions and imaginations.' Nothing of the kind! Man is born with every capacity of mind and body — undeveloped, indeed, but ripe for natural development. Some are born idiots, and some weakly and infirm; but the great mass of mankind are happily born with fair natural powers of mind and body—*mens sana in corpore sano.* Some, however, are cleverer and stronger than others; some exhibit early signs of genius, or readily acquire wisdom and learning, while others, under the like conditions of life and circumstance, are marked by a lower intelligence. Nature creates, and circumstances shape and modify her work; but again we must protest against assigning any creative force to circumstance and accident. And it seems strange that an author who dwells so much on the influence of race, should take pains to deny natural gifts to individual men. In both cases the same principle is at work; nations inherit the general characteristics of their race; individual men inherit particular gifts and aptitudes from their parents. In both cases alike, God creates, through the agency of natural causes, distinctive differences of mind and character.

But even admitting M. Taine's propositions—which he maintains with a train of reasoning more tedious than is his wont—how do they afford any key to Shakspeare? So far as we can understand him, it is because Shakspeare understood human nature in the same fashion as M. Taine himself, knew how weak and foolish a being was man, and saw under the sem-

* Vol. ii. pp. 1–63.

blance of good sense his lower brute instincts. Yet, after all his philosophising, he tells us that Shakspeare had an extraordinary *instinct*, by which he read the very souls of men, and a 'complete imagination.' And this is precisely what all mankind have long since acknowledged, without any theory at all. Shakspeare knew men as he found them, a mixture of good and evil, wisdom and folly; and M. Taine's false and mischievous theory throws no further light upon the matter. Nay, the example proves the worthlessness of his doctrine; for after a long parade of secondary causes to account for Shakspeare's intuitive genius, he is obliged to fall back upon the innate imagination of the poet—a point whence less theoretical intellects had already started—and tells us that with him 'all came 'from within, from his soul and genius; outward circumstances 'contributed but slightly to modify them.'*

Shakspeare owed little to education. He was not spoiled like Ben Jonson by too much learning. Removed from school at fourteen, when he knew 'little Latin and no Greek,' he married before he was nineteen, led a wild youth, and commenced life as one of the lowest myrmidons of the stage. Hence he rose to the rank of actor; but acting was not his *forte*, as his best part is said to have been the Ghost in his own play of 'Hamlet.' But he was, at the same time, poet, dramatist, stage manager, and part proprietor of the Blackfriars and Globe theatres. Such were the labours and associations in the midst of which Shakspeare wrote. If not conducive to a high range of poetic thought, they may, at least, have improved his dramatic skill, and enlarged his knowledge of character.

He had a sympathetic genius, and could transform himself into every character he conceived; he had no occasion to learn, but had an intuitive insight into nature, and a divination of all motives, sentiments, and emotions. In his general estimate of Shakspeare M. Taine agrees with other critics. We cannot follow him through his review of the great poet's works; but must pause over some of his remarks. He notices that Shakspeare's imagination is excessive; 'he spreads metaphors with 'profusion over all he writes, until he obscures his meaning by 'imagery. This, however, is not the caprice of his will, but 'the form of his thought.' So far the justice of the criticism may not be disputed; but he proceeds to say, 'The style of 'Shakspeare is a compound of forced expressions. No man 'has submitted words to a like torture, . . . it seems as if he

* Vol. ii. pp. 63–72.

'never wrote a word without a scream.* . . . Hence a style 'composed of whims, of rash figures interrupted every instant 'by figures still more rash, ideas scarcely indicated, finished by 'others remote by a hundred leagues, no connexion visible, an 'air of incoherence.' But to make amends for these strictures upon the poet's style, he adds, 'Shakspeare sets aside pro-'priety and clearness, and attains life.' English readers, while accepting an acute French critic's praises of Shakspeare's imagination, will not subscribe to his censures upon the peculiar language in which it is clothed, which, if without rule or method, is at least *unique*—part of the very soul of the poet, and instinct with his genius. But we are convinced M. Taine does not understand the force of the Shaksperian diction. It is even more remarkable that he is entirely incapable of appreciating the wonderful variety and depth of Shakspeare's women. He describes them in a few sentences: 'They 'are charming children, who feel to excess, and love with folly. 'They have frank and easy manners, little fits of anger, pretty 'words of friendship, coquettish rogueries, a playful volubility 'which remind us of the warbling and the gracefulness of 'birds.'† What an entire want of insight and reflection in the critic! How little can such a writer have formed any conception of the characters of Rosalind and Juliet? of Portia and Desdemona?

M. Taine has made one discovery which we believe to be an entire misconception. He maintains that in several of his dramatic characters Shakspeare portrays himself,—and is at once, for example, Hamlet and the melancholy Jaques! Indeed he goes so far as to say (vol. ii. p. 116), 'His cha-'racters are all of the same family. Good or bad, coarse 'or refined, clever or stupid, Shakspeare gives them all the 'same class of mind, which is his own.' Can anything be less true to the multiform genius of Shakspeare than this preposterous assertion? As well might we suggest that the poet's character is to be read in the coarse humour of Falstaff, which savours of too familiar taverns. The very reverse is the fact. He has left us a mirror which reflects every face, but that of him who holds it to our gaze. Nowhere can we see Shakspeare himself, for he portrayed all mankind. Nor was he an egotist.

* 'Contrastes heurtés, exagérations furieuses, apostrophes, exclamations, tout le délire de l'ode, renversement d'idées, accumulation d'images, l'horrible et le divin assemblés dans la même ligne, il semble qu'il n'écrive jamais une parole sans crier.' (Vol. ii. p. 96.)

† 'Le babil et la gentillesse des oiseaux.' (Vol. ii. p. 133.)

Smaller poets may often paint themselves under the disguise of heroes, but his comprehensive genius borrowed nothing from himself. With him 'all the world' was 'a stage, and all 'the men and women merely players;' and as they played before him, he drew them to the life.

M. Taine has naturally devoted peculiar care to the study of Shakspeare; but the chapters he has filled with his remarks on this subject are the feeblest and most perverse portion of his work. His own countryman, M. A. Mézières in his 'Pre-'decessors' and 'Successors' of Shakspeare, has given a far more accurate picture of English dramatic literature; and the pages of Frederic Schlegel on the genius of Shakspeare, in his 'History of Literature' (vol. ii. p. 163), immeasurably surpass, in truth and depth, M. Taine's efforts to describe what he appears not to have understood.

With Shakspeare M. Taine closes his history of the 'Pagan' period, and devotes a more interesting chapter to the Christian revival. He judges the reformation and the Protestant faith in so just and liberal a spirit, that we are sorry again to dissent from his historic theories. We have already taken exception to his theory of a pagan revival in England, which we should rather have termed Protestant; but he maintains that Paganism and Protestantism were flowing together, like two streams—the one giving an impulse to the poetry, the drama, and the tastes of the secular world, and the other a new direction to the religious sentiments of the pious, and to the writings of divines and moralists. The drama of Ben Jonson and Shakspeare and the philosophy of Lord Bacon were pagan; the sermons of Latimer and the writings of Hooker and Jeremy Taylor were Protestant. It was not until Puritanism was prevailing over the more moderate faith of the Church of England, and giving a colour to the literature of the age, that he recognises the commencement of the Christian revival—a period marked by the writings of Bunyan and Milton. We hold, on the other side, that the Christian revival is to be dated from the Reformation, and that Puritanism was but a phase of the Protestant faith, like Methodism in later times. We see nothing pagan in Shakspeare because his plays were not homilies in blank verse. There is room enough in the world of thought for dramatists and divines, without encroaching upon the proper domain of each another.

We desire further to protest against his theory of the Reformation in Germany and England. He had already stated that the Anglo-Saxons were predisposed by race and climate for the acceptance of Christianity; and the same causes made

them Protestants and Puritans. Their heavy and gloomy temperaments, their sky deluged with rain or blackened with clouds, and their too solid food, discouraged outward worship—the idolatry of form and colour,—and turning their thoughts inwards, developed their conscience and sentiments of devotion. We would observe, in passing, that if Englishmen are so gloomy, and impassive to outward beauty as he paints them, they could not have been inspired by the paganism of Southern races. His two theories are scarcely consistent. That, however, is of small moment; but this materialist theory of Protestantism is at once a sneer at our nation, a cynical sarcasm upon our faith, and a denial of spiritual and moral causes in the religious regeneration of the sixteenth century. We must wholly decline to accept it as an example of the science of history.

Passing over his criticism upon the 'Pilgrim's Progress,' to which he has devoted more study than we should have conceived possible in a Frenchman, we come to one of his happiest chapters, on the life and writings of Milton. A learned scholar, an earnest thinker, a stern Puritan, a fierce Republican, and a sublime poet, Milton forms a striking contrast to Shakspeare. 'He wrote not from impulse, and the direct impression of 'facts, but as a man of letters and a philosopher, learnedly, 'with the aid of books, perceiving objects as much through 'former writings as in themselves, adding to his own thoughts 'the thoughts of others, taking up and recasting their inven-'tions, like an artist who adds and multiplies ornaments and 'jeweller's work upon a diadem already chased by the hands 'of twenty gravers.' * 'It was not *life* that he felt, like the 'masters of the revival, but grandeur, after the fashion of 'Æschylus and the Hebrew prophets.' And this grandeur was never absent from him; it is conspicuous alike in his poetry and in his prose. The great, wise, earnest, and religious spirit of the poet breathes through all his works. Whatever character he draws—be it Jehovah or Satan, Adam or the Archangel—it is ever Milton himself who speaks; there is no dramatic impersonation of other minds; the moralist and Puritan is never wholly lost in the poet.

This characteristic of Milton is illustrated by M. Taine's criticism of 'Paradise Lost,' in nearly the following terms:—The poet recounts the exploits of God, like those of Cromwell, in a grave and sustained tone, more like a preacher than a poet, and without any of the exaltation of the ancient Psalmists

* Vol. ii. p. 385.

and Apostles. The logician and the student has written a metaphysical poem, in which he makes correct and solemn discourses, and nothing more; his personages are harangues. Adam and Eve bear no resemblance to the first pair, but talk like any exemplary couple in his own time, such as Colonel and Mrs. Hutchinson. This Adam had passed through England before he entered Paradise, where he had learned respectability, and studied moral dissertations. Before he had tasted of the Tree of Knowledge, he discoursed like a bachelor of arts, head of a family, elector and Member of the House of Commons. It was enough to send poor Eve to sleep! An angel pays the pair a visit, when Eve shows herself a thorough English housewife, preparing the meal, and retiring after dinner, to let the gentlemen talk politics. The Heaven of Milton is a Whitehall of embroidered valets; Jehovah is but an earthly king, addicted to theology, like James I., whose counsellors deserved to be well paid for listening to his discourses. The battles of Jehovah and Satan are told like the battles of Charles and Cromwell. 'What is most beautiful in 'this Paradise, is Hell; and in this history of God, the first part 'is that of the Devil.'* This criticism on 'Paradise Lost' has the drollery of a caricature, but what an infinite distance lies between the grave and sublime poet of the Commonwealth of England and the flippancy of a modern critic of the Parisian school! After this display of M. Taine's literary judgment, our readers will not be at all surprised to learn that in his fourth volume he demonstrates that Alfred de Musset is a much greater poet than Alfred Tennyson!

But we must revert to the classical age of English literature. There was little, indeed, of the classical in society, in art, or in literature, immediately after the Restoration. The dull and joyless rule of the Puritans had caused a wild reaction. The Puritans had led the way to orgies; fanatics had discredited virtue; and never had society been so corrupt. M. Taine illustrates the change by comparing the noble portraits of Vandyck with the meretricious forms of Sir Peter Lely. The licentious spirit of the Court, the stage, and the poetry of this age is but too well known: need we say that it is exposed *con amore* by M. Taine? French vice, we are told, is more refined and elegant than English vice, and for that reason no doubt Charles II. imported it from France with his

* 'Ce qu'il y a de plus beau dans ce paradis, c'est l'enfer, et dans cette histoire de Dieu le premier rôle est au diable.' (Vol. ii. pp. 340–423.)

mistresses. 'The French character is like French wine, it 'makes people neither brutal, mischievous, nor melancholy.' 'Quite the reverse in England. If one scratches the morality, 'which serves as a cover, the brute appears in all its violence 'and ugliness.' Perhaps, in some future essay, M. Taine will explain the causes which have produced in France, under Louis Philippe, a literature the most coarse in Europe, and under Napoleon III. a cynical profligacy of manner which revives the traditions of the Claudian house. In the meantime, while deploring the license of the Restoration, we rejoice that its revival, in the nineteenth century, is not to be sought in England.

Our critic sees no wit in Butler's 'Hudibras:' nothing but coarseness and vulgarity in the earlier comedies of Dryden. But a more correct taste was soon to prevail over the licentious extravagances of Rochester and Wycherley. Its growth was due, according to M. Taine, to the influence of men of the world, trained at Court and in good society, to conversation, urbanity, and the arts of pleasing. He appears to us to overestimate the influence of society upon literature; and it must be borne in mind that at this period, the example of the Court tended to corrupt rather than to refine the taste of society. The Court and nobles were profligate; and writers who pandered to their license debased their noble art: but the classical taste of Spenser, Sidney, and Ben Jonson could not have been lost upon the educated minds of the Restoration. Who so classical as Milton himself, whom M. Taine takes as an example of the religious revival? Instead of accepting the explanations of M. Taine, we should argue that the great body of the people had never lost their moral sense: but, whether Puritan or Royalist, were beyond the infection of the Court and Cavaliers. When the first excesses of the reaction had subsided, and the nation was recovering its free and manly tone, the taste of men of letters, refined by the studies and examples of previous generations, regained its ascendancy over the accidental corruption of the time. But, whatever the causes, a purer taste began to show itself, which eventually introduced the classical age of English literature.

Among the earliest examples of a correct taste was Sir W. Temple, a diplomatist and man of the world, who, says our author, knew how to 'obtain all the crowns reserved for 'science, for patriotism, for virtue, and for genius, without 'having much science, patriotism, genius, or virtue.' But Dryden was the true founder of the classical school of English writers. He had been tempted to the stage, for which he con-

fessed his 'genius never much inclined him;' and he avowed his repentance for many excesses into which the spirit of the time had betrayed him. But as a poet, he displayed a cultivated taste, and a finished elegance of versification which had never yet been approached; and as a prose writer, a style at once vigorous, studied, and ornate. In poetry he was the forerunner of Pope; and in prose of Addison and Swift. To his merits M. Taine does scant justice: his plays suggest comparisons with the French drama, always to the advantage of the latter, in taste, refinement, and philosophy: his poetry was merely prose rendered more forcible by the arts and form of verse: his prose was without invention or depth of thought, and never rising above the ephemeral controversies of sects and factions. A French author who had served as a model for the most elegant and finished writers of his own country, would have fared better at the hands of M. Taine; and we are not afraid that the fame of Dryden will suffer from the disparagement of his French critic.*

Quitting criticism, for a time, M. Taine again becomes historical, and traces the moral revolution of the eighteenth century. He describes with exultation the brutality of the English people, their passion for gin, their riots; the corruption of statesmen and senators; the profligacy and infidelity of private society. These evils, however, were gradually reformed by means characteristically English. The civilisation of France was accomplished by conversation: that clever race had merely to talk in order to acquire wisdom and refinement: science and theology were taught by epigram: philosophy and law by wit. How different was the lot of the dull, heavy, unsocial English! They were naturally serious, reflective, and sad: they rarely cared to talk; and when they did, their talk was tedious. Hence to escape from their sworn foe *ennui*, and to satisfy their love of action, they rushed into associations, sects, preachings, and controversies. They were civilised by Protestantism, as France by conversation. That faith was congenial to their race; all classes read the Bible, from 'the squire—breeder of beasts,—who only knew how to 'shout, drink, and leap his horse over five-barred gates,' to the 'bumpkin who grinned through a horse-collar;' 'all these 'uncultivated souls, plunged in physical life, received thus 'their religion and their moral life.' Their preachers, too, were truly English: they were pious and learned, but, oh! so dull and tedious: so unlike the courtly French preachers,

* Vol. ii. pp. 606–691.

academicians, fine talkers! From Chillingworth to Paley one cannot help yawning over their sermons! We cannot pause to repel the injustice of this criticism, to such men as Barrow, South, and Jeremy Taylor. Suffice it to say—whatever the literary merits of our preachers—let them be judged by their works: they made a religious and a moral people, while their sprightlier and more elegant rivals suffered their flocks to drift into infidelity. The former preached like pious and earnest men, and some were no less eloquent than earnest: the latter preached like men of the world, who said fine things concerning religion, just as they said fine things about poetry and art. In England, divines preached stirring sermons to devout spirits; in France, they addressed elegant discourses to listeners frivolous in feeling, and fastidious in taste.

Meanwhile a political reformation was advancing in England. The people were asserting their rights and liberties; and freedom revived the noble eloquence of the Greek *agora* and the Roman *forum*. M. Taine appreciates our great orators, and is disposed to do them justice; but he discovers that their reasoning lacks 'that fine deduction—Greek or French—'which has never found a place among German nations,' who study Cicero in vain. We are content that English and French oratory be judged, like English and French preaching, by their respective fruits: the one has secured liberty and good government; the other has precipitated revolutions, and riveted absolutism upon a great people. On reviewing the civilisation of the two nations, during the last century, it strikes us that the clever French talkers had not the best of it.*

M. Taine next dwells upon Addison and Steele as two examples of English civilisation: the one a model of the most solid English qualities, perfected by continental cultivation; the other, of the most fierce English instincts, let loose without restraint. Addison could not fail to be a favourite with our critic; for he excelled in conversation, devoted himself to the study of Roman poetry, and improved his manners in the polite society of Paris, and by foreign travel. If his range of study was too much limited to the Latin poets, this concentration, in leaving him less strong, rendered him more delicate and elegant, and enabled him to perfect his own language. Nor was it merely as a scholar and man of letters that he was con-

* The converse of M. Taine's paradox has been maintained, with great ability and truth, by M. Cornélis de Witt in a volume designed to contrast the moral and social life of England with that of France.

versant with society; as a statesman he gained an insight into public affairs, and became familiar with men of business. In every relation of life a charm was added to his polished manners by his gentle and amiable disposition. His virtues were no less conspicuous in his writings, which inculcated morality, and aimed at the improvement of society. His essays are among the classics of our language; but M. Taine calls him a lay preacher, and asks what success a gazette of sermons, like the 'Spectator,' would have had in France. After six lines of his moralising, a Frenchman would have gone out into the street to take the air. What then is the secret of the great popularity of his essays in England? 'He was powerful be-'cause he was commonplace, and useful because he was 'narrow.' He made morality a matter of cold calculation and statistics, by the side of honour and duty; and this is precisely the morality of the English—'a kind of commercial good 'sense applied to the interests of the soul.' Moreover, the dull English delight in sermons, to which they will listen for three hours at a sitting; they do not give way to laughter, but seek grave and silent amusements, and can endure any amount of boredom. After these sneers at Addison and his countrymen, it is admitted that he brought morality into fashion, and that his writings form a pure source of the classical style. At the same time, his studied elegance produced coldness and monotony. It was the fault of his school to prefer method to striking truths and invention; to think more of the manner of saying a thing than of the thing itself. 'They reduce genius 'to eloquence, poetry to discourse, the drama to dialogue.' For an Englishman, Addison was a high example of the classical school; but it was in France that the classical age attained its perfection, and by the side of Montesquieu he was but half polished. In short, Addison was just French enough, in his tastes and style, to lose his vigour without escaping his English dulness; but not French enough to excel in the highest refinements of his art.* Who shall hope to please M. Taine? He decries Dryden, the founder of classical poetry, and Addison, the founder of classical prose. If Addison was not a profound thinker, is it not enough that he was the most elegant writer of his age, and that he laboured to elevate the morality and taste of his countrymen? To be great in all things, a writer must be born in Paris.

A proneness to write sermons was not among the faults of Swift; he was not given to moralising, but wielded his caustic

* Vol. iii. pp. 109–149.

pen with terrible effect against his political foes. Will this propitiate M. Taine? Far from it. An argument to be literary, should be founded, he thinks, upon universal truths and absolute justice, and not upon the interests of parties. Having derided Addison's 'Spectator' as a gazette of sermons, he can see little merit in Swift's 'Examiner' because it avoided preaching. In both cases he is equally unjust: a grave discussion of principles was appropriate to the moral essays of Addison, but would have been wholly out of place in the partisan writings of Swift. Who would have read the 'Examiner' and the 'Drapier's Letters' if they had been abstract political disquisitions instead of sarcasm and invective? Swift was lashing men with a scourge—not measuring them with rule and compass. Here, at least, M. Taine cannot complain of any want of force and fire in the writer: nature was not enfeebled by classical art. He was a powerful prose writer; but in his verse, 'what is most wanting is poetry.' Wit abounds in his neat compact verses; 'but compared to our La Fontaine, it 'is wine turned into vinegar.' It is one of the canons of M. Taine's criticism that every English writer is surpassed, in his particular line, by a more fortunate countryman of his own.*

We now come to the novelists of the eighteenth century. These close observers of mankind and moralists painted real life, described representative characters, and adorned their tales with practical morals. Their writings serve at once as illustrations of English literature and of English society. In neither aspect is the picture very flattering. De Foe was the first of this school, whose fame mainly rests upon 'Robinson 'Crusoe.' This wonderful fiction more closely resembles a faithful narrative of facts than any tale ever written. Here lies the true art of the writer: everything seems real—the island, the shipwrecked seaman, his log-hut, his canoe, and his man Friday. But, according to M. Taine, this is mere want of art; De Foe being a tedious person who wrote fiction as he wrote history—in wearisome detail. By a lucky accident, however, this mental defect in the author became a profound art, and rendered the illusion of his narrative more complete. A Frenchman might have written a more imaginative tale, according to juster principles of art, but would it have been as real and life-like as the 'Robinson Crusoe' of De Foe? It might have met with more favour from M. Taine, but would it have been the household book of millions of readers?

Richardson has long ceased to be a favourite with English

* Vol. iii. p. 176.

readers, and is fair game for M. Taine. 'Pamela' is a sermon disguised as a romance; and the heroine a portrait of the English wife—housekeeping and stay-at-home, studious and obedient, loving and pious; very good, but not in the least interesting or *piquante*. In Lovelace he sees an example of the selfishness and cruelty of English men of pleasure. 'In 'France rakes are but naughty fellows, in England they are 'villains.'* Sir Charles Grandison is irreproachable; 'his con-'science and his wig are spotless. Amen! He must be 'canonised and stuffed!' As for Richardson himself, 'we see 'the preacher, in a black gown, come snuffling out of the 'worldly garb which he had assumed for an hour, and are not 'pleased with the deception.'†

Fielding is made of different stuff—vigorous, sanguine, full of good humour and animal spirits. He paints passion, and nature, and English character to the life. Squire Western is the very type of an English country gentleman—a character 'hardened and fevered by the brutality of his race, by the 'wildness of the country, by violent exercises, by excess of 'heavy food and strong drinks, and choke-full of pride and of 'English and rustic prejudices.' Here we have not only the Squire Western of fiction, but a life-like picture of the true English squire. Tom Jones, with his coarse vigour, his strong passions and generous failings, is another genuine Englishman. 'The man, such as you conceive him, is a good buffalo, and is 'perhaps the very hero required by a people which calls itself 'John Bull, Jean Taureau.' 'Amelia is the perfect English 'wife, excelling in cookery, so devoted to her husband as to 'pardon his accidental infidelities, and always as ladies wish to 'be who love their lords.'‡ Such are the English painted by themselves.

Smollett, wanting the geniality of Fielding and the strictness of Richardson, draws his characters flatly and prosaically, without genius to enliven or ennoble them. His heroes are sensual, cruel, and brutal; his incidents are crime, outrage, and misery in the most revolting forms. This is hard enough upon poor Smollett; but he was not left without excuse. 'His public is 'on a level with his energy and coarseness; and to stir such 'nerves, a writer cannot strike too hard.' If Smollett erred, the rude English race must share the blame.§

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* 'Les débauchés chez nous ne sont que des drôles: içi ils sont des scélérats.' (Vol. iii. p. 294.)

† Vol. iii. p. 302.

‡ Vol. iii. pp. 316, 318.

§ Vol. iii. p. 330.

Sterne's humour and eccentricities were all his own; and if he 'whined over a dead donkey and deserted his living mother,' we are glad to find that so whimsical a vein of sentiment is not attributed to any peculiarities in the English race and climate. Goldsmith's 'Vicar of Wakefield' receives a fair tribute of praise as uniting and harmonising, in a single person, the best *traits* of the manners and morals of his time and country. 'Protestant and English virtue has not formed a finer model.' But the rare literary merits of the work are undervalued, when it is compared with a homely Flemish picture. It has a higher art, a more refined portraiture, and nobler sentiments than the works of any master of that school. It is one of the gems of English literature; and we cannot allow Goldsmith to be placed on the same level as Terburg and Mieris.

Dr. Johnson affords another opportunity of decrying English literature and English manners. We all know that in habits and manners he was a bear; but his rudeness, his dirt, and gluttony were borne for the sake of his talents. Conceive this man, says M. Taine, transported into the elegant *salons* of Paris; 'the violence of such a contrast will mark better 'than any reasoning, the predilections of the English mind.' And thus because a man of genius and virtue was respected, notwithstanding his eccentricities and ill-breeding, English society is supposed to be wanting in refinement. The poor Doctor receives no quarter; his person and habits are caricatured, and his writings disparaged. True that classical prose attained perfection with him, as classical poetry with Pope; art could not be more finished, nor nature suffer greater violence. His truths are too true; we know beforehand all his precepts by heart, and we yawn over them. What could have made him popular? asks our Frenchman in astonishment. The answer is ready—the English love sermons, and Johnson's essays are sermons: it is because they are heavy and insipid that the national taste accommodates itself to them. We can now understand why the English 'accept as a favourite and 'receive as a philosopher the respectable and insupportable 'Samuel Johnson.' There were, however, other qualities in Dr. Johnson which it is fortunate for M. Taine that he did not personally encounter. The vigorous common sense of that hardheaded reasoner would have torn to shreds fantastic theories on the origin of English literature, and a single blow from his fist generally sufficed to crush a coxcomb.

The poets of the classical school are next passed in review; and foremost among them stands Pope. No English writer had so much of the tastes and manners of a French poet. His

thoughts were marshalled in the justest order; no logician of Latin race could have arranged them better; his style was compact and epigrammatical; his taste correct; his verse elegant, finished, and musical. Will these merits propitiate M. Taine, who has censured the want of them in other writers? Far from it. Pope is cruelly handled: his person and temper are caricatured as grossly as those of Dr. Johnson; and his very accomplishments are turned against him. He did not write because he thought, but he thought in order to write; he knew his art too well, and his poetry discloses the artist and not the poet. 'It is like cookery, which needs neither heart nor genius, but 'a light hand, an attentive eye, and a practised taste.' And as for his thoughts, it may be frankly avowed 'that this great 'poet, the glory of his age, is wearisome.'* He fares worse than Dryden and Addison. There is, indeed, no mercy for the classic school.

We cannot follow M. Taine through his review of the lesser poets of this school—Prior, Gay, Thomson, Gray, Goldsmith, Collins. They are not highly prized by our fastidious critic; and Gray's 'Elegy,' and Collins's noble 'Ode to the Passions,' are passed over without a word of recognition. But we must note one admission in favour of English poets,—'their sensations 'are more profound, and their thoughts more original,' than in France. Their admirable descriptions of scenery are also acknowledged; while they are unaccountably attributed, not to their own genius and natural tastes, but to that wretched climate of ours which makes inanimate things seem living to them! We cannot understand how this wonder-working climate can at once make men insensible to forms of outward beauty, as M. Taine is continually telling us, and yet invest inanimate things with life. In one place he describes these islands as a region scarcely habitable by civilised man—in another he draws a picture of a rural paradise, the sun rising over the towers of Oxford, the mowers working in the rich hay, and the blaze of colour in an English garden, as if no other land could present greater natural beauty.

The modern age of English literature may be dated from about the period of the French Revolution. Two influences were then at work throughout Europe—democracy and philosophy. Popular power and intelligence were growing fast, and society was enlarged by the elevation of the middle and

* Vol. iii. pp. 354–395. We are glad to find that Pope's fame has been ably vindicated by M. Sainte-Beuve in the 'Constitutionnel' of the 6th and 13th June, 1864.

industrial classes. In France democracy exploded in revolution; in England it gave force to public opinion, and expansion to society. Philosophy, receiving an impulse at the same time from Germany, directed the minds of men to new courses of inquiry and speculation. Both these influences affected the literature of England. Authors wrote less for the court and polite society, than for the people; and, awakened to new trains of reflection, passed away from the track of the classical school into fields of original thought.

Robert Burns is the first example of the new school of writers selected by M. Taine. He was essentially a poet of the people. Of low condition, early bound to toil for his bread, educating himself amid the labours of the field, associating with working men, and struggling against poverty and debts, this luckless genius was naturally inspired by the sentiments of his own class. His romance was that of humble life; his feelings were for the poor and against the rich; his spirit was democratic, and rebelled against all the 'powers that 'be.' Looseness of morals, and irreverence in religion, added zest to his poetry. His language was that of the common people of Scotland, refined by his own genius and self-culture. His poetry and songs were national, impulsive, irregular, and original. He founded no school; but he marked a change in the course of literature.

Cowper showed how poetry was turning aside from classical examples, by seeking subjects for his verse in his own fireside and in the garden. His poems were the expression of his own inner thoughts and emotions. Next came the romantic school of poets, — Southey, Coleridge, Wordsworth, — from whose labours sprang two great ideas—historical poetry as developed by Southey and Walter Scott, and philosophical poetry as wrought out by Wordsworth and Shelley. Of the historic poems of Southey, and of Moore's 'Lallah Rookh,' M. Taine speaks slightingly. In his view they are little better than stage scenery and the sentiments of the opera. He even turns their own learned notes against them, to prove the factitious character of their inspiration.

Nor does Walter Scott receive much better treatment at his hands. 'We have all learned history from him; and yet, is it 'history? All his pictures of past times are false. Costumes, 'scenery, the outer world are alone exact: actions, conversa-'tion, sentiments, are civilised, embellished, and arranged in 'modern guise.' He dwells too long on outward things, and not enough upon inner thoughts and sentiments. 'He is 'horribly long and diffuse; his conversations and descriptions

'are interminable.' Nay, it is ungenerously said, that he could not pause to think, nor afford to be concise, but treated his intellect like a coal mine, which he worked at the utmost profit, receiving a thousand pounds a volume for his novels. This imputation, if partially true after his misfortunes, is most unjust to his earlier works. Nor should it have come from a critic who admits that this great novelist saw everything, retained everything, studied everything, and mixed among all conditions of men. The fulness of his mind was shown in conversation, no less than in his writings—and it was out of this abundance that he wrote. He dwelt upon outward things as a poet and dramatist, with an artistic love of nature, and upon the past with the fondness of an antiquary. He followed the bent of his own genius, and if less reflective than graphic, description and the representation of character were the main purpose of his works; and how he succeeded, the universal voice of Europe and America has long since proclaimed. M. Taine will not shake him on his pedestal.

If Walter Scott did not reflect and moralise enough, Wordsworth and the Lake school of poets were, on the other side, far too reflective. Their thoughts were ever turned inwards; and outer nature, incidents, and characters were merely introduced as subjects for meditation and moral reflection. M. Taine condescends to drop a few words of praise upon the 'Excursion;' but the greater part of Wordsworth's poems are set down as childish, silly, and wearisome. Of Shelley he speaks with more respect. He recognises in him true poetic genius, a passionate love of nature, and an imagination like that of Spenser and Shakspeare.

Lord Byron is the last poet in this series of sketches of the modern age, and a long chapter is devoted to him. He finds more favour than his predecessors; and from what has gone before our readers will not be surprised to find that Lord Byron is to M. Taine an object of peculiar admiration and sympathy. 'All styles seem dull, and all souls inert by the 'side of his.' He wrote from passion and impulse, and his poetry bears the impress of his fiery and impassioned genius. Whatever he touched, he made to palpitate and live. But in all his visions self was ever present; he could not metamorphose himself into others, but transformed all other characters into his own. M. Taine is not the first critic who has exposed Lord Byron's egotism: it is fairly open to ridicule: it narrowed the bounds of his imagination; but we must not forget that, if a blemish to his poetry, it was also a source of

inspiration. Had Byron ceased to impersonate himself, he would have ceased to write poetry.

With Byron, M. Taine concludes his general review of English literature. He has found no place for our philosophers and historians—for Adam Smith, Dugald Stewart, Jeremy Bentham, Hume, Gibbon, Robertson, and Napier. He has not glanced at our biographers, who have united with historical research delightful memoirs of great men. He has not noticed the labours of editors by which he has profited himself. He has passed over the learning with which every branch of science and literature has been illustrated. Nor has he spared even a few words for our periodical press, which has done more for the enlightenment and freedom of mankind than libraries of learned books inaccessible to the multitude.

Having filled his volumes with poetry and fiction, to the exclusion of writings no less illustrative of the intellect of England, he proceeds to an apparent conclusion of his work, in a chapter on the past and the present. But he has lately added a fourth volume, on Contemporary Authors, in which he reviews the writings of Dickens, Thackeray, Macaulay, Carlyle, John Stuart Mill, and Tennyson. This volume, as he states himself, is written upon a different plan; and it was evidently not intended to form part of the original work—being merely a collection of separate essays, already printed, upon six English writers, of whom four are still living.* We may, therefore, set it aside for the present, without impairing the completeness of M. Taine's literary history. Our present limits would not permit us to do justice to the eminent authors he has selected for criticism; and we have already something to add on M. Taine's summary and on the general merits of his work.

Of the concluding chapter of the third volume, which we are now treating as the last, the first part is a recapitulation of M. Taine's historical and critical theories—the second a sketch of his personal observations of England. We have frequently had occasion to notice his disparagement of our race, climate, and temperament, which is the foundation of all his theories, and here we meet with a repetition of his views with variations no less offensive than absurd. They are fitter for the columns of the 'Charivari' than for a critical history.

While M. Taine was working out all these ideas, he landed for the first time in England, and was particularly struck with the confirmation which observation and history mutually lent one another. Let us hear what the intelligent traveller ob-

* It was originally announced as an independent work.

served. He appears never to have beheld the sea before, which disturbed and astonished him. We trust it did nothing worse. At Newhaven he was fortunately introduced to black clouds and floods of rain. No one could form an idea of the rain who had not seen it; and our untravelled Frenchman writes as if clouds and rain were unknown out of England. He can never have witnessed a storm at Naples or on the Italian lakes. The Romans when they landed in Britain thought they were in hell; but M. Taine must have felt himself in heaven, for he beheld his theories confirmed. He found London shrouded in fog, rain, mud, and Cimmerian darkness; and 'felt himself out of 'the breathable world, reduced to the condition of amphibious 'creatures living in stagnant waters: to live there was not to 'live at all.' Poor shivering traveller! Melancholy took possession of him; he was disgusted with others and himself. What was to be done in this sepulchre? To walk out was to suffer and catch cold; to stay at home without working would provoke suicide. But here was another theory confirmed: he felt at once how this climate, in making the English melancholy, had also inspired them with energy, and taught them patience. After a week, 'he felt that he must renounce delicate and 'refined enjoyments, the happy sense of existence, leisure, the 'glowing delight in nature—that he must marry, have a troop 'of children, assume the cares and importance of the head of a 'family, get rich,' turn Protestant and politician. To exist he must do as the English do. While the Frenchman was thus moralising, Englishmen had buttoned their coats, and were walking briskly under his windows, without a suspicion that they were melancholy, or that the fog was impelling them to suicide or matrimony.

But our visitor was not destined to either of these misfortunes. On a half-clear day (a clear day seems to be unknown in England) he looked from a height (probably Richmond Hill) upon a vale of green meadows and rich foliage. When the sun came out for an instant, the dewy landscape glittered as in a ball dress! Such a simile was congenial to M. Taine; and it made him happy. But the philosopher looked beyond the beauty of the scene; he saw fat beasts and succulent pastures. Here was abundance of coarse heavy food to sustain the absorbent and phlegmatic temperament of the English; the human stock, like the animal and vegetable, is strong but heavy, and needs such nourishment. The Englishman is so slow and dull that he does not feel *ennui;* for that, in truth, is his natural condition; the insipid monotony of every-day life is his happiness; he is made for it by nature. This tem-

perament, however, has one advantage; it favours liberty! The English are permitted to hold meetings, and to discuss politics and religion, because their rulers are not afraid of them. They are allowed freedom because they are too cold and slow to do any harm with it! After all this satire upon Englishmen, it is due to M. Taine to add, that he found the young ladies charming—a fact which may perhaps account for our matrimonial propensities, more philosophically than the saddening influence of our climate.

Passing through England he witnessed the vastness and perfection of our industry in commerce, manufactures, and agriculture; but he made no discoveries; he only saw what every one else has seen. And what was his impression?—that to work incessantly, 'like insects endowed with incessant 'hunger and four stomachs,' is the proper vocation of Englishmen! In this they have nearly reached perfection; but how will they advance in that higher and nobler domain, into which man ascends to contemplate the beautiful and the true? At all events the arts will not lead them there. Look at poor Nelson, on the top of his column, impaled with a lightning-conductor, and supported by a cable, which serves as a tail! The English themselves, in their flesh and bone, seem made of cast iron; what then will English statues be? As for painting, the principal merit of our artists is the astonishing minuteness of the Chinese. They can paint a truss of hay or a heath; they are good observers, especially of moral expression, and can illustrate a romance. 'But in true painting, and picturesque design, they are revolting. 'Never were placed on canvas colours so crude, figures so 'stiff, drapery so like tin, tones so discordant. Conceive an opera, 'in which there are none but false notes.' No! 'for these 'hardworking mechanics, for these energetic men of action, 'art can only furnish fruits that are exotic or deformed'! We confess that our distrust of British art is not so great as our distrust of M. Taine's own power of judging it: and if we were to follow him in his more recent Italian tour, we should find that he has neither knowledge nor feeling on the subject.

We succeed better in science; but then in science there are two parts. It may be treated as a matter of business, and there we are useful. 'In the construction of the vast edifice 'there is no lack of masons and masters of the second order; 'it is the great architects, the thinkers, the speculative rea-'soners that are wanting. Philosophy—especially metaphysics '—is as little indigenous here as music and painting: we im-'port them, leaving, however, the best part on the way.'

And in this fashion M. Taine assumes to estimate the English intellect and genius. A few words more, and we shall take leave of him.

That his book is amusing, we trust even this rapid sketch will show; that his criticisms are clever, we readily allow; but we condemn his theories, and laugh at his facts. That this is a philosophical history we deny. He approached the task with certain fixed theories, the value of which we have already examined; and he accepted as established facts the most vulgar traditions current in French society, and on the stage, on England and the English. A London fog was his conception of our climate; John Bull, in top boots, gorging himself with raw beefsteaks, was his ideal of our countrymen; and this, in truth, is the staple of his philosophy, through three thick volumes. It is exactly on a par with the belief current in this country fifty years ago that Buonaparte was a Corsican ogre and that every Frenchman dines daily off soup-meagre and frogs. This trash is silly enough to be the ground of so much speculation, and it is applied with a flippancy and impertinence altogether unworthy of history. It is not the science of history, but broad farce.

As a critic he is more successful; but here again his theories and national prejudices affect his judgment. He is persuaded that the Latin races, including the French, have qualities of mind and temperament which are wanting in the English; and with this foregone conclusion, he is ever detecting supposed confirmations of his doctrine. When a writer is vigorous and natural like Swift, he wants the elegance of the French; when he is polished like Addison, he loses his vigour in ornament.

We readily acknowledge the advantages of foreign criticism. A nation are too apt to take their own writers on trust, and to worship familiar names with unhesitating faith. A foreign critic coming without prejudice to his mission, may cast down the false gods. But he should respect the true faith, and exercise his office with justice and candour. Were an Englishman to review the literature of France in a narrow spirit of detraction, we should be ready to condemn him, as we now protest against the critical unfairness of M. Taine. Great writers are not national only; their works are the property of mankind; and their genius is welcomed by liberal minds of every race and clime. M. Taine's estimate of the intellect and literature of England may gratify the egotism and prejudices of some of his own countrymen, but it will not be accepted by the enlightened judgment of Europe.

ART. II.—1. *The Pursuivant of Arms, or Heraldry founded upon Facts.* By J. R. PLANCHÉ, Rougecroix. Second Edition. London: 1859.

2. *Heraldry, Historical and Popular.* By the Rev. CHARLES BOUTELL, M.A. Third edition, revised and enlarged. London: 1865.

3. *The Herald and Genealogist.* Edited by JOHN GOUGH NICHOLS, F.S.A. London: 1862-5.

4. *The Law and Practice of Heraldry in Scotland.* By GEORGE SETON, Advocate, M.A. Oxon, F.S.A. Scot., &c. Edinburgh: 1863.

5. *Descriptive Catalogue of Impressions from Ancient Scottish Seals, Royal, Baronial, Ecclesiastical, and Municipal, embracing a Period from* A.D. 1094 *to the Commonwealth. Taken from original Charters and other Deeds preserved in public and private Archives.* By HENRY LAING. Edinburgh: 1850.

'HAPPY,' says Jean Paul Richter, 'is the man who can 'trace his lineage ancestor by ancestor, and cover hoary 'time with a mantle of youth!' The love to trace the links that connect us with the past, and to make acquaintance with the names and history of those without whom we should not have been, is one of man's most natural instincts. It may be quite independent of any idea of illustrious ancestry. Benjamin Franklin had no sooner arrived in England on a weighty political mission, than he hastened to the country to ascertain every fact that he could pick up regarding the line of yeomen from whom he was sprung, and many an obscure English family history has, in our own days, been carefully studied and illustrated by its American descendants. But it is natural to expect that the desire to know something of one's progenitors will be proportionally stronger when they have been among the great and renowned of their day. Every country has had its career more or less moulded by some leading families, whose histories must be read aright in order to understand that of the nation, and whose hereditary idiosyncrasies have helped to form the national character. And while family history supplies the most valuable materials for national history, a knowledge of genealogy is absolutely necessary to understand any nation's political complications. Without the aid of a genealogical chart, it were vain to attempt to comprehend the wars of York and Lancaster, the claim of Edward III. to the throne of France, the tragic history

of Lady Jane Grey, or the events which brought about the union of the Scottish with the English crown.

Closely connected with the history of nations and families is the subject of difference of social rank. The condition of society has at all times and in all countries been one of inequality. In the heroic days of Greece we have a glimpse of families or races of larger, stronger, more vigorous men ruling over the rest of the community. In ancient Rome there were two great classes, corresponding in their origin with the new settlers and the old inhabitants of the country. The broadly marked difference between the nobleman or gentleman and the rest of the community is one of the most prominent features of mediæval life, and the source from which the less abrupt variations of rank in modern society have sprung. This distinction, which seems in its origin to have been in part at least one of race, was developed by feudalism, which made land its necessary support and adjunct. According to feudal ideas the whole land came to be considered the property of the sovereign, from whom it was held under the obligation of military service, with or without attendance at his court to do homage and assist in the business transacted there. The tenants-in-chief of the crown were called Barons: they dispensed justice within the limits of their barony as miniature sovereigns. Some of them might hold the office or dignity of *Comes*, count or earl, implying jurisdiction over an extensive province; or the still higher dignity of *Dux*, or duke, implying the duty of leading the armies of the country: but all were barons or tenants of the crown. Some of the more considerable barons, particularly such as enjoyed the dignity of earl or duke, had other vassals, barons of the barons, holding of them by the same military tenure by which they held of the sovereign, and bound to attend the courts of their immediate superior. By a constitution generally resembling what we have described, though varying in its detail in different parts of Europe, society was held together in feudal times. The landholder was the nobleman or gentleman: the smallest tenant of land by military service participated in all the privileges of nobility, an impassable barrier being placed between him and the common people.

The right to bear a coat of arms was, like the *jus imaginum* of the Romans, the distinctive privilege of the nobly born. 'Nobiles,' says Sir Edward Coke, 'sunt qui arma gentilicia 'antecessorum suorum proferre possunt.' Or, to use the words of Sir James Lawrence,* 'Any individual who distinguishes

* Nobility of the British Gentry. By Sir James Lawrence, Knight of Malta, p. 3. 4th edition, London: 1840.

'himself may be said to ennoble himself. A prince judging an 'individual worthy of notice gave him patent letters of nobility. 'In these letters were blazoned the arms that were to distin- 'guish his shield. By this shield he was to be known, or *nobilis*. 'A plebeian had no blazonry on his shield, because he was '*ignobilis*, or unworthy of notice. . . . Hence arms are the cri- 'terion of nobility. Every nobleman must have a shield of 'arms. Whoever has a shield of arms is a nobleman. In every 'country of Europe, without exception, a grant of arms or 'letters of nobility is conferred on all the descendants.' On the Continent, as formerly in our own country,* the term 'noble' is still used in this sense; by later usage in England it has, on the other hand, become the common though less correct practice to restrict the word 'nobleman' and 'nobility' to members of the peerage, gentility in its strict sense corresponding to the nobility of Sir James Lawrence and continental countries. This difference of usage has not unfrequently been the source of a ridiculous confusion of ideas on the other side of the Channel, particularly at some of the minor German courts, where we have heard of a member of the British aristocracy, of the most ancient and distinguished lineage, in respect that he was not himself a peer, and therefore not 'noble' in the common English acceptation, having to give the *pas* to a 'Baron' or 'Herr von' who had newly received his patent of nobility along with his commission in the army. The confusion in question has in part sprung out of the greater prevalence of *titles* of nobility, in modern times, in most parts of the Continent, and their use in Germany, Russia, and largely also in Italy, by every member, however remote, of the family to whom they belong. A 'baron' in Germany is heraldically (we do not now allude to his social status) something very different from a baron in England. 'Baron' was, as we have already observed, originally the designation of every feudal vassal of the crown. All held by military service, but in England, as elsewhere, a limited number, called the Greater Barons, were summoned to aid the sovereign in the council as well as in the field. They became eventually the House of Lords, the lesser barons being

* See, for example, grant of arms, quoted in the 'Excerpta His- 'torica,' from Henry VI. to Roger Keys, clerk, and Thomas Keys, his brother, in 1439, for certain services rendered in building Eton College, by which the King did 'ennoble, and make, and create 'noble' the said Roger and Thomas Keys and the descendants of the latter, and, 'in sign of such nobility,' gave them the arms there described and other distinctions 'to noblemen due and accus- 'tomed.'

allowed to appear by representatives of their number in the House of Commons. The designation 'Commons' and the absence of title have often misled foreigners to suppose that the men who gained their liberties and constitution for the English people were the 'roturiers,' while in reality they came from the *élite* of the class who would be called in continental phraseology noble. The class in Germany corresponding to the peers, or higher nobility, of England were the electoral and princely houses of the empire, and such of the immediate counts and barons of the empire as had seats in the estates of the realm, and were known as the 'Dynastien-Adel.' The representatives of the Dynasty Barons have all in recent times been elevated to higher titles, mostly as the reward of their acquiescence in the dismemberment of the German Empire. Even the immediate counts and barons of the empire, entitled to display a square banner in the field, and possessed of a gallows with four posts, provided they had no seat in the Diet, ranked among the lower nobility of Germany, corresponding to the English gentry. Among the other classes of lower nobility are comprised the Knights of the Holy Roman Empire, whose gallows had but two posts, and whose descendants all now take the designation of baron (which in Germany has been extended beyond its original signification, instead of having been restricted as in England), as also what is popularly styled the 'Bullen-Adel,' or diploma nobility, that is, the titular counts and barons, who are such merely in virtue of a diploma granting them the title, either from the Emperor or a minor German potentate, and a numerous class, constituting the lowest degree of gentry, who have no distinctive title except the prefix 'von' attached to their surnames.* The superior *social* position of the British nobility, lesser and greater, to those of the Continent has always been sufficiently marked: a very large proportion of our eminent men in all departments, not merely generals and statesmen, but poets and authors, have been heraldically gentlemen. The nobility of France may claim a few individuals of note, but for a long time back Germany has only produced one or two men of mark who enjoyed the prerogative of birth.

* A marked distinction has obtained from early times among the lower nobility of Germany, between those who do not and those who do owe any feudal service of a ministerial or *non-military* kind. Such service, even if due to the Emperor himself, has been considered to involve a certain amount of degradation to the individual subject to it and to all his family, incapacitating them for intermarriage with the higher nobility.

Heraldry, the symbol or indication of nobility or gentility, grew up side by side with feudalism. The armorial shield shed a halo of poetry around the pursuits of war. The heavenly luminaries, the flowers of the field, the animals of the east and west, the emblems of holy warfare, whatever was familiar to the eye of the pilgrim or the crusader, the shells picked up on the coast of Syria, the bags or 'budgets' in which water was conveyed across the desert, and the symbol of the Christian faith itself, all had their reflex on the knightly escutcheon. Before long, arms constituted a thorough system for distinguishing, in the first place, family from family, and then one branch of a family from another, becoming faithful chroniclers of the history both of royal dynasties and of private families. Every change in the hereditary succession of a kingdom, every fresh accession of territory, every union of two houses by marriage, occasioned a corresponding change in the coat-of-arms; the position which each member of the house occupied in the family tree was duly indicated; and a heraldic shield became a record whose nice distinctions asserted to all who understood its language, as well as words could do, a number of material facts regarding the owner of it.

All this Heraldry was; and we may add, all this it is, for Heraldry is not to be looked on as defunct: it is a legacy from our ancestors which should be carefully preserved by us as a curious and valuable connecting link with the past. Though the helmet and shield have no longer all the significance that they had when in actual use, they still come to us with strong hereditary claims to our recognition. We still have our heralds and kings-at-arms to preserve a record of our public and private genealogies, and to preside over the assumption of armorial insignia. A coat-of-arms is still the mark of gentility or nobility. Although it be the boast of our gentry, or lesser nobility, as well as of our greater nobility, that they receive into their ranks with open arms the eminent and the meritorious, whatever their lineage, the possession of *insignia gentilicia* is still the legal test of gentility; and one of the duties delegated by the sovereign to the officers of arms is to assign appropriate insignia to all who have acquired a social importance that entitles them to take their place among the gentlemen of coat-armour of the country, which will become a bond of union to their family, to preserve their name and memory among their descendants.

After occupying for ages the attention of the learned, Heraldry fell into notable neglect and disrepute in the eighteenth century: its study, once an essential branch of a princely

education, was abandoned to coach-painters and undertakers—a degradation owing in part to the tissue of follies which had for two hundred years been growing up around it. In the general decline of the arts the heraldic art participated: its symbols lost their beauty, and the philosophers, who, in their wisdom, could see nothing but folly and insanity in the life of the ages that had gone before them, naturally held Genealogy and Heraldry in little respect. But it is now some time since a reaction set in: Heraldry has vindicated its title to honourable recognition, and to the thinking part of the public it is no longer the 'science of fools with long memories.' Apart from its claim to acceptance as perpetuating the noble deeds of the past, it is a valuable and graceful adjunct to art and architecture, and an indispensable aid to the study of local history. Even the pure utilitarian is in the wrong in neglecting it. Many instances have been recorded where coats-of-arms have afforded the key to points of doubtful and disputed succession: seals appended to charters, old baronial carvings, and church windows have all been received by courts of law as evidence in obscure questions of marriage and descent.

The increased interest taken of late years in Heraldry is evinced by the number of works which have appeared to elucidate it—a few of the more important of which stand at the head of our article. Among these the first place must be assigned to Planché's 'Pursuivant of Arms'—a rigorously scientific examination into the origin and early history of coat-armour, in which everything is submitted to the test of a stern criticism. The author is a distinguished member of the English College of Arms, and has performed the difficult task of producing an essay on Heraldry full of learning and research, yet written in a sufficiently lively and attractive style to be read with delight by many who are not heraldic enthusiasts.

Mr. Planché discovers the earliest approach to arms in the tapestry at Bayeux, ascribed to the needle of Matilda, queen of the Conqueror, and representing the Norman invasion of England. The Anglo-Norman poet Wace, who flourished nearly a century later, mentions devices or cognizances being in use among the Normans, 'that no Norman might perish by the hand 'of another, nor one Frenchman kill another;' and in this he is curiously corroborated by the Bayeux tapestry, where there are figures of animals on the shields of the invaders, while the Saxon shields have only borders or crosses. These rude devices, destitute of armorial form or disposition, were doubtless the origin of systematic Heraldry: but it is difficult to fix on the exact date when they assumed that hereditary character which

is essential to the idea of arms. Insignia of a more decidedly armorial character were depicted on the shields used in the third Crusade, which took place in 1189; and in the same century originated the fleurs-de-lis of France, and the lions or leopards of England. The transmission of arms from father to son seems to have been fully recognised in the thirteenth century *, and in the practice then introduced of embroidering the family ensign on the surcoat worn over the hauberk or coat-of-mail originated the expression 'coat-of-arms.' Most valuable light has been thrown on the early history of Heraldry by certain rolls or catalogues of arms borne in England in the thirteenth and fourteenth centuries, which are extant, some in original and some in copies. The oldest belongs to the time of Henry III., and contains a multitude of coats correctly blazoned (the term used by heralds for a *verbal* description), and comprising nearly all the principal heraldic terms in use at the present day.

In the infancy of Heraldry every knight assumed what arms he pleased, without consulting sovereign or king-at-arms, the charge being chosen in many cases from the sound of its name being suggestive of the name or title of the bearer of it. The object selected was used with great latitude, single or repeated, and disposed in any way which the fancy of the bearer or the shape of his shield suggested. It was only when coats-of-arms multiplied and came to resemble each other that, for distinction's sake, rules had to be laid down regarding the position and number of the charges. In the thirteenth century, heraldry had been reduced to a system: in the two succeeding centuries it became still more systematic, and its true origin was lost sight of. The heralds of the fifteenth and sixteenth centuries overlaid the historical part of the subject with a network of the most ridiculous conceits. The virtues and dispositions of the knight was imagined to be typified by the tinctures (i. e. colours) of his arms, though no two heralds could agree as to what each tincture meant. The figures called the 'Honourable Ordinaries,' shown by Mr. Planché to be but representations of the braces and clasps of the old knightly shield, were invested with attributes as contradictory as those of the tinctures. Coat-armour was assigned to Adam, Noah, Joshua, Brutus, Charlemagne, and all the heroes of Jewish and Pagan, as well as Christian times. According to Sir John Ferne, the apostles

* It is a proof that hereditary heraldry is posterior to the tide of Norman immigration, that hardly a family of Norman origin can be named in England or Scotland which bore arms at all similar to those of the parent family of the same surname in Normandy.

were 'gentlemen of blood, and many of them descended from 'that worthy conqueror Judas Maccabeus, though, through the 'tract of time and persecution of wars, poverty oppressed the 'kindred, and they were constrayned to servile works.' Their Divine Master Himself 'was a gentleman as to his flesh by the 'part of His mother, and might, if he had esteemed of the vain 'glorye of this world, have worne coat-armour.' The German heralds went so far as to assign an escutcheon of sixteen quarterings to our Saviour, a painting of which hung till lately in the cathedral of Mayence. Among the speculations of the old heralds which Mr. Planché attacks and demolishes are a large class of legends invented to account for the assumption of particular bearings by particular families. To distinguish their persons and properties, to display their pretensions to certain honours or estates, to attest their alliances or acknowledge their feudal tenures, and not to symbolise a virtue or commemorate an achievement, was, according to him, the usual ground for the assumption of particular arms. We cannot however admit that early heraldry was destitute of symbolism, although its symbolism was very unlike that of the heraldic pedants of a later age. Our author's account of the introduction of the lion and eagle of blazonry is in itself a refutation of his statement in its full generality: —

'As the lion, by common consent, is styled king of the beasts, so has the eagle been honoured by the sovereignty of the birds, and, as the symbol of Imperial Jove, was obviously chosen by the earthly potentates who worshipped him. About the same period in which we first perceive the lion, almost with one accord, adopted as the cognizance of the Norman Kings of England, the Kings of Scotland, Norway and Denmark, the native Princes of Wales, the Dukes of Normandy, the Counts of Flanders, Holland, &c., the expanded wings of the eagle are found overshadowing as many escutcheons in the southern and eastern portions of Europe. The German Emperors, succeeding immediately to the Cæsars of Rome, assumed *Or*, an EAGLE *sable*, sometimes without, but more generally, as at present, with two heads, typifying the Eastern and Western Empires.'

Commemorative heraldry is found, if not in the thirteenth, at least in the fourteenth century, a familiar instance being the heart introduced into the Douglas coat, in memory of the pilgrimage of the good Sir James with the heart of King Robert, and found on seals of the family as early as 1356. We do not however doubt that Mr. Planché is right in stating that the majority of early coats were *armes parlantes*, adopted, as Father Marc Gilbert de Varennes expresses it, 'to this end, 'that all sorts of persons, intelligent or ignorant, citizens or 'countrymen, should recognise easily and without further

'inquiry, to whom the lands or the houses belonged wherever 'they found them, so oft as they set their eyes upon the 'escutcheons.' (*Le Roy d'Armes*, Paris, 1540.) The allusion is in many cases lost to us, from the old name of the object being forgotten. As we come down to later times, commemorative augmentations were freely granted, and symbolism, often of a ludicrous kind, used in granting and differencing coats. An amusing example is mentioned in Gibbon's autobiography: —

'My family arms,' says the historian, 'are the same which are borne by the Gibbons of Kent . . . a lion rampant gardant between three scallop shells argent, on a field azure. . . . About the reign of James I. the three harmless scallop shells were changed by Edmund Gibbon, Esq., into three ogresses or female cannibals, with a design of stigmatising three ladies, his kinswomen, who had provoked him by an unjust lawsuit. But this singular mode of revenge, for which he obtained the sanction of Sir William Seagar, King at Arms, soon expired with its author; and on his own monument, in the Temple Church, the monsters vanish, and the three scallop shells resume their proper and hereditary place.'

The popularity of Mr. Boutell's 'Heraldry, Historical and 'Practical,' is sufficiently demonstrated by the fact that a third edition has been called for, although it has not been two years in print. It contains within the compass of a moderate-sized octavo volume a tolerably complete grammar of arms, hardly perhaps so clear in its arrangement or so easy of reference as might have been wished. The subject is viewed to some extent in its relation to history; the author's prepossessions, however, lead him to enlarge more fully on its æsthetic side, which is really the strong point of this book. Much of the current heraldic drawing and sculpture, including the ornamentation of funeral hatchments, is severely censured for not keeping pace with the advance of art in other departments; and Mr. Boutell's illustrations are undoubtedly such as will tend to raise the artistic character of our heraldry.

Since September, 1862, a periodical has appeared devoted to the antiquities of heraldry, and to those branches of local and family history to which heraldry is subsidiary. Though, as in other periodicals, the articles are not all equal in merit, there is not a number of the 'Herald and Genealogist' that does not contain something of sterling value and interest. The editor, Mr. J. Gough Nicholls, is well known as an accomplished archæologist and herald.

The subject embraced by the next work on our list, Mr. Seton's 'Law and Practice of Heraldry in Scotland,' deserves a somewhat extended notice. Though law and heraldry are both

apt to be considered repellent studies to the uninitiated, Mr. Seton has succeeded in producing, out of the two combined, an extremely readable book, and invested the history and characteristics of the heraldry of North Britain with an interest which will surprise those to whom the subject is new.

The peculiarities of Scottish heraldry are connected with the peculiar growth of Scottish feudalism. In the age immediately prior to the war of independence, the relations with England were intimate and friendly, and a process of amalgamation between the two countries was steadily going on. The Norman and Saxon barons were nearly fused into one, the few chiefs of Celtic lineage alone holding aloof in proud isolation. But the calamities which followed the death of Alexander III., and the long wars with England, effectually alienated the two parts of the island; and from the beginning of the fourteenth century, Scottish history and institutions ran a course of their own, whose impress may yet be traced on the habits and feelings of Scotchmen. One feature of Scottish feudalism was the absence of the strong line of demarcation which existed in England between the greater and the lesser barons. As late as the middle of the fifteenth century, all the tenants of the King *per baroniam* were entitled to be present in the council of the King, and the dignity of a lord of parliament as distinct from the baronage was unknown. A permissive statute of James I., which seems to have been practically inoperative, allowed the less considerable barons, in lieu of personally attending, to choose representatives or commissioners for each county, but it was not till 1587 that they were actually excluded from attendance, and the principle of representation thoroughly established. Even then there was no separation into two houses, as in England. Down to the Union of 1707 the whole Scottish Parliament sat in one hall, and the votes of the representative portion of the House were recorded as those of the 'small 'barrounis.' The baronial jurisdiction continued till the middle of last century, an *imperium in imperio*, including the power of pit and gallows, the right to drown witches and hang thieves; and the name of baron as applied to the untitled landholders of the country has not even now fallen into complete disuse.

But there was another equally notable diversity between the history of Scottish and English feudalism; we allude to the permanency of the old families of Scotland, compared with those of England. At an early period the leading families of England began to wane, not merely out of power but out of existence. Great baronial houses continually ended in heiresses, who carried their estates to smaller men. The struggle between

the houses of York and Lancaster swept whole families of both greater and lesser nobility off the face of the earth. Of the twenty-five barons appointed to enforce the observance of Magna Charta, who must have been among the greatest magnates of England, there is not a male descendant surviving in the English peerage. A large proportion of the surnames which they bore have utterly vanished, and would be unfamiliar sounds to a modern Englishman. The Scoto-Norman barons, on the other hand, were remarkable for their numerous progeny—a physical fact for which the intermixture of Celtic blood has been suggested as a cause. Subinfeudation, which in England had been prohibited from the time of the Plantagenet kings, was practised largely in Scotland. The great baron, owner of an extensive but thinly-peopled domain, provided each of his numerous sons with a fief, to be held from him for rent or military service. Each son divided his fief among his children, and this subdivision went on till every powerful family could count a large array of cadets, many of them in comparatively obscure positions. Of these doubtless a number were illegitimate, but the tie of blood, carefully cherished on both sides, imparted a patriarchal character to the relation of superior and vassal.

No one can fail to notice the striking difference between England and Scotland in the matter of number and variety of surnames. Whole districts of Scotland have their predominating names, which are generally those of the old feudal families of the country. Argyleshire is peopled with Campbells, Inverness-shire with Macdonalds, Ross-shire with Mackenzies, Aberdeenshire with Gordons and Forbeses, and the southern counties with Scotts, Kers, Elliots, Johnstones and Maxwells. This arose in part from the blood tie here alluded to, but was also in part connected with another cause. Surnames were for long after their introduction used only by the gentry; and when they began to be adopted by the lower orders, the clansman almost universally took the name of his chief, considering himself a member of his family by adoption, if not otherwise. The settlement of a powerful southern family within the Highland border was almost always followed by the spread of the name through the district, not from the extirpation of the former inhabitants, but from the people at large taking the name of their new lords.

Hence it comes to pass that while in England the multitude of entirely distinct coats of arms is enormous, in Scotland the number of original coats is small; but the distinct and well-defined insignia of the chief of the family are differenced for every several cadet in such a manner as to show forth his

relation to the head of the house and to other cadets, and in many cases the maternal descent. The official register of arms for Scotland contains about a hundred Campbell coats, all different, and all possessing the elements of the original Campbell coat. The entries of arms for the five families of Campbell, Gordon, Hamilton, Stewart, Scott, compose a ninth of the register; and if we add the Murrays, Hays, Grahames, Douglases, Mackenzies, Drummonds, Grants, Forbeses, Cuninghames, and Frasers, we have exhausted a fourth of the whole record of arms. Mr. Seton exhibits in a well-executed chromo-lithograph a tabular view of the arms of the principal branches of the house of Lindsay, arranged according to their position in the family tier. It contains twenty-nine coats, all distinct and distinguishable from each other; yet none of them, with two exceptions, could possibly be supposed to be anything but a Lindsay coat. Differencing is therefore a far more important part of Scottish than of English heraldry, and forms the subject of a special treatise by the eminent Scottish herald Nisbet. The families who bore the same surname being related either by blood or by the feudal tie, the coats which they bore were all founded on the coat of the chief of the name.

A few exceptional instances occur, when two different coats are assigned to the same surname. In one or two cases this arises from landless cadets marrying heiresses, and adopting their arms: in the rest it is to be accounted for by the same surname having two different origins. We have two entirely distinct coats borne by different families of the name of Napier. The Napiers of Merchiston bear arms but slightly differing from those of the house of Lennox, of which they were probably cadets; the Napiers of Kilmahew have a coat altogether distinct, the explanation being that there was no blood relationship between these two families, who bore the same surname from their respective ancestors having held the same honourable office of royal naperer. We also find two different original coats belonging to the name of Scott, the stars and crescent forming the original elements of the coat of the Scotts of the south, and the three lions' heads of the Scotts of the east. Both Scotts were feudal lords in the time of the Alexanders, but there is no evidence that there was any blood tie between them. For a similar cause we find the name Ross connected with two distinct sets of armorial ensigns; the Norman family of De Roos bore three water budgets, while three lions rampant were the cognisance of the old Scottish Earls of Ross.

But not merely were the coats of the cadets of a family or of feudal vassals bearing the same surname founded on the

coat of their chief, but portions of the arms of the more powerful magnates were adopted into the shields of families allied to or dependent on them to such an extent, that Scotland may be said to have been divided into provinces of arms. The saltire and chief of the Bruces predominate throughout Annandale, the chequer of the Stewarts in the counties of Renfrew and Ayr, the mullet or star in the parts of Scotland formerly subject to the houses of De Moravia and of Douglas, and the lion of the Earls of Angus and Fife in the counties of these names. In the Highlands, certain very singular armorial elements were reproduced under modifications in the insignia of almost all the families that were allied to or dependent on the lords of the Isles, in whose coats the one-masted galley of the Isles, the eagle, the fish, the hand with the red cross, or some of these symbols, were sure to find a place, and a system of quartering obtained, quite irrespective of the ordinary cause of quartering—family alliance. These Highland coats with their differences are exceedingly curious, belonging as they do to a school of heraldry which is unique, and has not met with all the attention that it deserves. Not a little light is thrown on the origin of some of them by the sculptured monuments of Iona.

A different usage has prevailed in England and Scotland regarding the armorial decorations called supporters. These appendages to a coat of arms were at first figures of animals devised by mediæval seal engravers, generally with some allusion to the arms or descent of the bearer; but they soon came to be considered indications that he was the head of a family of eminence or distinction. In England their use hardly extended beyond the Peers: in Scotland it came to be the understanding that the chiefs of important clans, and all those barons who had a right to sit in parliament, might claim to have their coats so decorated; and it is yet the practice for the Lord Lyon to grant or confirm them to the representatives of those barons who had full baronial rights prior to 1587, the date of the Act which finally excluded the minor barons from parliament.

Along with the feudal feeling, Scotland has for centuries cherished a love of antiquity, and an attachment to the traditions connected with family and national history. But it is at the same time notorious, that in no country has historical and genealogical truth been more mixed up with looseness and fable. The genealogy of the Scottish kings was carried back to the age of Alexander and Darius; and pedigrees of a period regarding which historical evidence was quite accessible were

habitually garbled by *suppressio veri*, and even *allegatio falsi*. Where a genuine pedigree might have been collected from documentary evidence, a fictitious one was put forth, circumstantial in all its details, which in the course of a few generations came to be religiously believed by the family to whom it related. Sir Thomas Urquhart of Cromarty narrates his whole lineage from Adam downwards, in his 'Promptuary of 'Time;' a work, however, which seems rather to have been a covered satire on the genealogical fictions of his day, than a serious production. A few more enlightened Scotchmen began last century to protest against these current misrepresentations. Among them was Mr. George Chalmers, who re-discovered the origin of the house of Stewart, lost in myth for above 300 years. It had become an accredited article of history that the Stewarts were directly descended from Fergus I. of Scotland, through Ethus II., son of Kenneth Macalpine. Their real progenitor was shown by Mr. Chalmers to have been one Alan, son of Flahald, Lord of Oswestry in Shropshire, of the same race with the Fitz-Alans Earls of Arundel, who accompanied the Conqueror from Normandy. In the present century Scotland has won honourable distinction by producing a band of accurate and learned investigators, who, by the patient study of the public records and contemporary documents, have to a large extent reconstructed the historical and genealogical literature of their country on a sound basis. The most eminent in this band was the late Mr. John Riddell, who carried his reverence for historical truth so far, that every historical or genealogical misstatement became in his eyes nothing short of a grave moral delinquency. Among the results of the labours of Mr. Riddell and his successors in the same field, has been the institution of the Bannatyne, Maitland, and Spalding Clubs, for the purpose of printing historical muniments relating to Scotland, and also the production of a variety of excellent works on family history. Foremost among these latter contributions to genealogical literature stands Lord Lindsay's charming and instructive 'Lives of the Lindsays,' where genealogy and heraldry are united with the most delightful illustrations of personal character and social and domestic life. Mr. Fraser's privately-printed Memoirs of the Stirlings, Montgomeries, and Maxwells also deserve honourable mention as valuable repertories of information regarding these families, and others connected with them. But, with all this, it were too much to say that the days of genealogical imposture are gone by either in Scotland or elsewhere. Venal pedigree-mongers, who, regardless of

truth, aim only at glorifying the family of their patron, continue to find abundant occupation, and flourish side by side with the *bonâ fide* genealogists. Their inventions are unhesitatingly copied into our most popular 'Peerages' and histories of the 'Landed Gentry,' which it is hardly possible to open without lighting, not on inexcusable blunders alone, but on freshly-coined fictions of the most startling kind, which a moment's examination on the part of any one who knows what history or genealogy is, would utterly demolish. The subject, however, of fabricators and 'finders' of pedigrees and arms, on which much might be written, does not properly fall within the scope of the present article.*

One curious class of family legends which the progress of criticism has dispelled, relate to the origin of surnames and arms. Among the arms in use in Scotland, there are, as elsewhere, a number of the description called 'canting arms;' as, for example, the three dirks or skenes borne by the family of Skene, the 'frases' or strawberry-flowers of the Frasers, the cranes of the Cranstouns, and the lock and heart of the Lockharts. Other coats are indicative of the office of the bearer. The chequered fess in the Stewart shield represents the steward's board, and is familiar, as Mr. Seton remarks, in the chequers still to be seen on the sides of tavern-doors. The Dempster had for his insignia his sword of office, and the Forrester his hunting-horn. Before the spirit of inquiry had invaded the domain of genealogy, it was assumed that the process as regards canting arms had been exactly the reverse of what it really was: heralds would have it that the names were derived from the arms, and not the arms from the names. This notion led to the gradual formation of a number of stories to account for the origin of names and arms, in which the descendants were flattered by having the most improbable achievements and adventures assigned to their ancestors. A few examples of these legends will suffice. The rather singular coat of the Dalzell family is a naked man, sometimes represented as suspended from a gallows. Both the surname and arms originated, according to the old chroniclers, in an exploit of a progenitor of the house, who took down from the gallows the

* Sir Bernard Burke is in this respect a great offender, and on many of his genealogies no reliance at all can be placed. The last edition of Debrett's Peerage and Baronetage, in a very cheap, compendious, and convenient form, appears to us to be an extremely useful publication, and may be consulted for the elements of the noble science of heraldry itself.

body of a near kinsman of Kenneth II. 'The king,' says Nisbet, 'being exceedingly grieved that the body of his friend 'should be so disgracefully treated by his enemies, proffered a 'great reward to any of his subjects who would adventure to 'rescue it; but when none would undertake that hazardous enter-'prise, a valorous gentleman came, and said to the king, *Dalziel*, 'which signifies, as I am informed by those who pretend to know 'the old Scots language, *I dare;* which attempt he effectually 'performed to the king's satisfaction.' The Forbeses are said to derive their name from their ancestor having killed a great bear; whence he received three bears' heads as his arms, and took the name of 'Forbear' or 'Forbeast,' afterwards 'Forbes.' The ancestor of the Turnbulls of Bedrule was a tall and powerful man of the name of Ruel, who turned a wild bull by the head, which had violently run against King Robert Bruce in Stirling Park; whence he got Turnbull for his surname, Bedrule for his lands, and the bull's head for his arms. The still more famous story relating to the three escutcheons which form the Hay coat is thus told by Nisbet:—

'In the reign of King Kenneth III., about the year 980, when the Danes invaded Scotland, and prevailing in the battle of Lancarty, a country Scotsman with his two sons, of great strength and courage, having rural weapons, as the yoaks of their plough, and such plough furniture, stoped the Scots in their flight in a certain defile, and upbraiding them of cowardice, obliged them to rally, who with them renewed the battle, and gave a total overthrow to the victorious Danes. And 'tis said by some, after the victory was obtained, the old man, lying on the ground wounded and fatigued, cried, *Hay, Hay;* which word became a sirname to his posterity. He and his sons being nobilitate, the king gave them the foresaid arms, to intimate that the father and the two sons had been luckily the three shields of Scotland, and gave them as much land in the Carss of Gowry as a falcon did flie over without lighting; which having flown a great way, she lighted on a stone, there called the Falcon-stone to this day: the circumstance of which story is not only perpetuate by the three escocheons, but by the exteriour ornaments of the atchievement of the family of Errol; having for crest, a falcon proper; for supporters, two men in country habit, holding the oxen-yoaks of a plough over their shoulders . . . and for motto, *Serva jugum.*'

In all these and numerous other such cases, the surname was in reality local, existing as the name of a territory or town in Scotland, England, or Normandy, before the fashion of either surnames or arms began. In some instances, as that of the Hays, the arms seem to have preceded the legend, and helped to manufacture it, the legend in its turn suggesting the

external ornaments of the shield: the more frequent process, however, was for the legend to be suggested by the name, and the arms, crest, motto, and supporters to be devoted to the illustration of the legend. Mr. Planché suggests that we would probably be able to account for the three escutcheons of the Hays, if we knew the paternity of Eva, wife of William de la Haye, living in 1174. In an English roll of arms of the thirteenth century, 'Gules, three inescutcheons argent' is set down as the coat of John Fitzsimon.

The subject of Mr. Seton's book leads him to treat of the heraldic establishment of Scotland, and to compare it with the kindred institutions of England. The officers of arms in England consist of the Earl Marshal, one principal and two provincial kings-at-arms, six heralds, and four pursuivants or noviciates; and though Garter, Clarencieux, Norroy, and the rest no longer play the same brilliant part as formerly in every act of life, public and private, the College of Arms at this moment numbers among its members some of the most accomplished gentlemen and learned archæologists in England; including Sir Charles Young, Garter; Mr. Courthope, Somerset; and Mr. Planché, Rougecroix, the 'Pursuivant of Arms.' The heraldic establishment of Scotland consists of one king-at-arms, styled Lyon (or the Lord Lyon) from the lion of the royal arms, six heralds, and six pursuivants. The office of herald in Scotland is probably about as old as in England. There were heralds in the fourteenth century, and, we believe, also a king-at-arms, though we are not aware that the title 'Lyon' as applied to him can be traced further back than the first half of the fifteenth century, when 'Alexander Nairne de Sandforde, Armiger,' held the office of Lyon King-at-arms along with that of Comptroller of the Household of James II. So great a sacredness was attached to the person of Lyon, that in 1515 Lord Drummond was declared guilty of treason and attainted 'eo quod Leonem 'Armorum regem pugno violasset, dum eum de ineptiis suis 'admoneret;' and he was only restored at Lyon's earnest solicitation. Lyon occupies the position and exercises many of the functions belonging to the constable and marshal in England, and is the presiding judge in the 'Lyon Court,' which has cognisance of all disputes regarding arms, with power to inflict penalties on contraveners of the right of coat-armour; a jurisdiction by no means obsolete, and which is in certain cases subject to the review of the Court of Session. The illegal assumption of arms is brought under the notice of the Lyon by a public prosecutor, or procurator-fiscal, attached to the Lyon Court.

The legal evidence of a right to arms differs somewhat in

the two kingdoms. In England, in the reign of Henry V., a royal proclamation prohibited every one who had not borne arms at Agincourt to assume them, except in virtue of inheritance or a grant from the Crown. To enforce this rule, Heralds' Visitations were instituted, and continued till the time of William and Mary, in which the kings-of-arms took a note of the descent and arms of the nobility and gentry of England. Any one who can prove descent from an ancestor whose arms are in one of the visitations, is entitled to carry these arms. A person whose paternal arms are not in the visitation books cannot carry arms, except he can show an original grant to himself or to a progenitor. In Scotland, in the absence of this system of visitations, the legal question has been narrowed by statute to an inquiry whether the bearer of the arms or his progenitor appears in the 'Public Register of all arms and 'bearings in Scotland.' This register was instituted in terms of an Act of Charles II., the second of two statutes which still regulate the jurisdiction of the Lyon Court. The first of these statutes, which belongs to the time of James VI., empowers the Lyon to hold a general visitation of the arms borne in the country, to matriculate them in his 'buikis and registeris,' to assign suitable differences to cadets, and to inflict a fine of 100*l.* Scots (8*l.* 6*s.* 8*d.* sterling) on those who use arms illegally, as well as to confiscate to the Crown all the 'goods and 'gear' on which these arms are represented. It is doubtful whether the 'buikis and registeris' under this earlier Act had been very regularly kept, and a portion of them is said to have been lost or destroyed by fire in Cromwell's time. The second and more important armorial statute (1672, c. 21) begins with a complaint that, in contravention of the previous Act, many persons have assumed arms who should bear none; and 'many of those who may in law bear, have 'assumed to themselves the armes of their cheiff without 'distinctions;' a proceeding which has always been accounted a serious armorial offence in Scotland. The powers formerly granted to the Lyon are renewed, and provision is made for their effectual execution. The whole arms-bearing part of the community are charged to send an account of what ensigns-armorial they bear, and to produce evidence regarding their descent. A formal register is established, in which all the arms borne in the country are to be matriculated, and those of cadets distinguished with 'congruent differences:' and the Lyon is further empowered at his discretion to grant arms to *novi homines*, 'virtuous and well-deserving persons;' a power which, however, had previously been contained in that officer's

commission. The register thus established is declared to be 'the true and unrepeallable rule of all armes and bearings in 'Scotland to remain with the Lyon's Office as a publict 'register of the kingdome, and to be transmitted to his suc-'cessors in all tyme coming.' The former penalties of fine and confiscation are reimposed on all who after the lapse of a year use arms which are not on record.

The register thus instituted is the same which has been continued to the present time. In 1673 and the few following years, a large proportion of the heads of families entitled to bear arms, and a number of their cadets, had come forward to get their arms recorded and differenced.* Here and there, however, particularly in remote localities, it appeared that individuals were to be found who had not obeyed the Lyon's summons, against whom it was necessary to put the law in force. The transgressors included persons who had a hereditary right which had not been confirmed by the Lyon in terms of the Act, and who, therefore, did not appear on record; cadets bearing their arms undifferenced; and also persons who had assumed at their own hands *insignia gentilicia.* In the course of last century a large number of contraveners were prosecuted, including William Cunningham of Caprington, John Campbell of Shawfield, the Countess of Wemyss, Robert Fisher of Newhall, Richard Newton of Newton, Major-General Robert Horn Elphinstone, Hamilton of Bargeny, Rocheid of Inverleith, Murray of Polmaise, and a Mr. William Wood. In various cases, decree of fine and confiscation was pronounced, though this was more generally avoided by timely submission. In the Countess of Wemyss's case, the armorial offence consisted in erecting a funeral escutcheon to the memory

* There is a characteristic quaintness about many of the entries in this part of the register. Sir William Sharp of Scotscraig, to whom a highly honourable augmentation is awarded, is designed as 'eldest 'lawfull son and heir of the deceast reverend father in God, James late 'Archbishop of St. Andrews, Primate of all Scotland, who was hor-'ridly murthered by certaine persones of hellish and bloody principles.' Among the insignia of cadets we cannot resist quoting a curious entry, unnoted by Mr. Seton, regarding the descendant of a family of standing, who had crossed the border, and was authorised to bear in his armorial achievement the ensigns of his calling:—'Master 'Robert Grahame, citizen in London, and taylor to his Majestie, 'lineally and lawfully descended of the house and family of Moychie 'in the kingdom of Scotland, bears, Sable, on a chevron argent be-'twixt three escallops or, a rose gules barbed vert. . . . Crest . . . a 'blead of thistle and a figg-leafe crossing each other saltyre-wayes 'proper. The motto, *Hinc decus inde tegmen.*'

of her father, Colonel Francis Charteris, with arms which were unregistered, and which were also said to belong to another family: the Earl and Countess were duly fined, and the offending escutcheon pulled down by order of the Lyon. The case of William Wood, Comptroller of the Customs of Port Glasgow in 1773, was one of pure assumption, without any hereditary right; and his carriage was seized at a stabler's in the Canongate, in virtue of a decree of the Lord Lyon, and confiscated to the Crown. Even during the present century the Lyon's power to check armorial assumption has by no means fallen into abeyance, though it has generally been reserved for cases of open and conspicuous display of false arms, as on a carriage, or, since the revival of glass-painting, on a memorial window. We believe that a remonstrance, or if that did not suffice, the service of a 'Lyon precept,' has generally led to a timely submission, and avoided the necessity for enforcing the penalties of the Act. Mr. Seton does not think the rigorous exercise of these powers at all inconsistent with the enlightenment of the age; he rather blames the Lyon Office for over-remissness in dealing with transgressors, and there is sound sense in his remarks on this subject. Those who look on armorial ensigns as an unmeaning folly should abstain from using them. But a large and increasing class of people value heraldry both as a bond of union between the past and present time, and as a material aid to historical studies. A coat of arms is a record of certain facts regarding its owner: the value of such a record is measured by its truthfulness; the penalties are, therefore, a check on an historical falsehood in kind not unlike the fabrication of a fictitious pedigree.

One of the functions of Lyon is the authorising of the adoption of arms in conformity with those stipulations which are so frequent in Scottish entails, that each succeeding heir or husband of an heiress of entail shall assume the entailer's name and arms. Such a condition is held not to be legally fulfilled by the adoption of the new arms by the heir *proprio motu;* he has to apply to the Lyon Court to have the change of name recognised, and the corresponding arms conceded; otherwise he may run a risk of having the estate carried off by a remoter heir. As regards a mere change of surname, it has never been the practice, as in England, to obtain an official sanction of it by royal licence. When, however, the change is accompanied with a change of arms, it must be shown to Lyon's satisfaction that the new name has been assumed on some reasonable ground (such as an obligation in a deed of

conveyance), and not from pure caprice; and the patent of arms, at the same time that it accords the new ensigns, officially recognises the change of name, that recognition serving all the same purposes that the Royal licence does in England.

But we have perhaps said enough on the legal aspect of heraldry. Though the register is the only evidence in law of a Scotchman's right to arms, it is not there that the early armorial history of the country is to be sought. The materials for studying historical heraldry consist partly of heraldic MSS. prior to the register, and partly of seals, which down to the year 1584 were of necessity appended to all legal instruments. The use of seals in Scotland began as early as writing itself. In the twelfth century, they generally bore, along with the owner's name and style, some device, such as a star, a wheel, a flower, or a leaf, which was often the germ of the arms afterwards adopted by the family. In the thirteenth century, shields of arms, gradually more and more fixed, took the place of these devices; and we can trace, through means of a series of such seals, the rise and development of the pure and simple heraldry of North Britain. Many of these seals, after lying for centuries hidden in charter-rooms, have only recently seen the light, their historical importance having been hitherto undreamed of by their owners. It is about fifteen years since a catalogue of 1,248 Scottish seals was published by Mr. Henry Laing of Edinburgh, under the auspices of the Bannatyne and Maitland Clubs—a contribution of immense value to the heraldry of Scotland.

Among the materials for the study of historical heraldry are also the coats of arms which are to be found sculptured on buildings ecclesiastical and secular: and no country is richer in architectural heraldry than Scotland. Time has done much, and wanton destruction far more, to deface and obliterate the armorial records of the old castles and churches of North Britain; but much that is valuable still remains. This is as yet nearly an unwrought mine: Mr. Seton recommends it as an important field for any skilful artist possessed of a limited knowledge of blazonry; and we would strongly suggest to such of the country gentlemen of Scotland as have a taste for heraldic pursuits, that they would find it a most attractive occupation to collect, before it be too late, what has not yet been irretrievably lost of the monumental heraldry of their several neighbourhoods. By so doing they would be throwing valuable light on the history and antiquities of their respective districts, in which as gentlemen of education and intelligence they can hardly fail to take an interest.

ART. III.—1. *The Colony of Victoria, its History, Commerce, and Goldmining; its Social and Political Institutions.* By WILLIAM WESTGARTH. London: 1864.

2. *Reminiscences of Thirty Years' Residence in New South Wales and Victoria.* By R. THERRY, late one of the Judges of the Supreme Court of New South Wales. London: 1863.

3. *The History of New South Wales; with an Account of Tasmania, Victoria, New Zealand, Queensland, and other Australian Settlements.* By RODERICK FLANAGAN. 2 vols. London: 1862.

FROM time to time, it has been the lot of England to plant nations in every portion of the habitable globe,—speaking her language, nurtured in her own institutions, and expanding her population under new conditions. Few more interesting and important studies present themselves than to trace the modifications which have been produced on these portions of her race, under the varying circumstances of clime, mode and time of settlement, and, above all, the progressive character of England's own colonial policy. Nowhere, indeed, will the marks of a common origin be found quite obliterated. There are streams so strong that their waters may be traced for many miles through the great oceans into which they discharge themselves. And thus, in a similar manner, the great stream of English colonisation will be found nowhere to have wholly lost the chief characteristics of its source. They may be traced under the tropical suns of the Indies, and amid the perennial snows of the Canadas—by the banks of the Mississippi, and the banks of the Murray. Everywhere, however, we shall find these characteristics forming new combinations, and passing into new institutions.

Amid many such minor settlements and plantations, two great groups occupy by far the most conspicuous positions in this wide-spreading colonial empire. In the Western Hemisphere, we have the American group; in the Eastern, the Australasian. In many respects these two groups present the most extraordinary features which the progress of colonisation has yet exhibited. In all that constitutes the elements of great and powerful nations, no portion of the Old World has shown a growth so rapid as the American plantations: no portion of the American plantations has shown a growth so rapid as the Colonies of Australasia. Our limits necessarily preclude us from entering into any detailed comparison between

these two groups; and, in endeavouring to place before our readers the present condition and future prospects of the colonies of Australasia, we shall refer to the state of American affairs as well understood and recognised facts which the flood of light now falling on that continent has sufficiently explained for our purpose. Those, however, who more nearly compare the physical configuration, the origin, and the history of the North American and the Australian Colonies of Britain, will be at no loss to discover causes which very differently affect their future destinies. The American continent, with its numerous harbours, its unbounded plains intersected by navigable rivers, its northern lakes, and its interminable forests, is the very opposite of the dry plateau of Australia, where a belt of pasture land encircles a huge unwatered waste, if not a desert. America, even before the arrival of the European, was inhabited by numerous and powerful Indian tribes, and possesses some memorials of a still more ancient civilisation. Australia was essentially a new region, containing no human beings but a few of the lowest race of mankind, and not even any animals known to the rest of the world. The American continent was soon invaded by the conflicting standards of European nations and parties: Spaniards, Dutch, French, and English, both of the Cavalier and the Puritan factions, left their mark upon the soil, and for more than two centuries the wars of European states were waged in part beyond the Atlantic. In Australia the modern English race holds an undivided sway: the peace of the country has never been broken: the natives were never formidable, and no foreign foe has ever approached its shores. The soil and climate of America are peculiarly favourable to the growth of all the products of agriculture: those of Australia encouraged the broad operations of pasturage by one class of adventurers, and the speculative operations of mining by another: therefore the American settlers soon became more closely and permanently rooted to the land than those of the younger colonies. Australia, indeed, had the taint of convict labour, but she has shown already that this is no indelible evil: America received the far more fatal gift of negro slavery. The institutions of the American Colonies were moulded by the circumstances of their origin, and we still may discern in the events of the day the proud and warlike spirit of Virginia, the stern enthusiasm of New England, the French descent of Louisiana and Lower Canada. Their growth has been slow, their history gradual. Australia has no history, but that of a few squabbles with the Colonial Office, and she has risen in a couple of generations to the full exercise of all

the powers of self-government and to the possession of enormous wealth, without any of those trials and efforts by which men are trained to the discharge of public duties and the knowledge of public affairs. The political constitution of the United States has been subjected for many years to the critical analysis of travellers and statesmen, and it was supposed till lately to have resolved several of the problems most interesting to the science of government: the political institutions of Australia are still, even amongst ourselves, very imperfectly known. With so many essential points of difference we by no means anticipate that Australia will become an America of the East. On the contrary, the dissimilarity will probably increase between the two nations. But it is interesting to remember that they are offsets from the same trunk, though planted in different soils; and to trace in their political condition at the present time the *indicia* of their future destiny. Their destiny is that of hundreds of millions of men of the English race, yet unborn, who may hereafter have to settle, for themselves and for the world, the greatest problems in the government of mankind.*

Before we attempt to inspect the internal workings of these Colonies, it may not be out of place to enter into a rapid sketch of the manner in which they have risen into their present importance. Indeed the first, and perhaps to many the only impression, connected with the origin of Australasian colonisation, is that its earlier settlers were convicts, and that the convict element is still largely represented. It is quite true that our first occupation of Pacific waters was made by a shipload of convicts, who commenced the new colony of New South Wales: and it is equally true that New South Wales claimed jurisdiction from Carpentaria to the distant New Zealand. With the exception, however, of a penal depôt established for a short time at Moreton Bay, New South Wales confined her convict population to the immediate shores of Botany Bay. The Island of Tasmania—under its ill-omened title of Van Diemen's Land—next followed in the demand for penal labour. But with Van Diemen's Land ends the short category of names which associate the Eastern Colonies, at least, of the continent with transported felons. The colony of South Australia was the next addition to the Australasian group. Though chiefly made known by the discoveries of New South Wales colonists,

* The reader may follow this interesting subject of inquiry in a chapter of Lord Bury's work on Colonial Policy, entitled 'The 'Exodus of the Western Nations,' which well deserves attention.

it owes its settlement to the 'South Australian Colonisation 'Association' of England, who affixed a high price to their lands, with the twofold object of obtaining landowners possessed of capital, and picked labour from the Home country by the proceeds of their purchase-money. Under such machinery it secured a steady accession of population far superior to the ordinary emigrant or colonial adventurer, and kept itself free from all penal taint. The increase of the whale fisheries in the Pacific led to the introduction of New Zealand within the group. And the rapid extension of a system of missionaries throughout that colony doubtless contributed to its selection by a very superior class of settlers. The convict system never obtained any footing on its shores. The colony of Queensland we have lately seen starting on an independent career under the great squatters of Australia, and a very desirable class of immigrants from the Home country. Even the colony of Western Australia, alone distinguished, at the present time, among the group by the penal element—started on an existence by far the most ambitious of all. Principalities in land were allotted to such men as Mr. Peel, Colonel Latour, and Sir James Stirling; and a large number of English middle-class capitalists followed in their wake, with proportionate grants of land. On a lone coast, not particularly inviting, and the most remote from civilisation, were landed elegantly-nurtured ladies, race-horses, carriages, pianos, and various other articles of luxury. So liberal were the land regulations, and so accustomed are persons to regard land as wealth, that, in a short time, the settlers were all masters and no men. No houses were built for them, and they were obliged to live in their carriages. No crops were put into the ground, and they were obliged to eat the seeds they brought with them. Such a beginning could have but one end; and when that end came, and all the remaining colonies had shaken off the last remnant of transportation, the colonists of Western Australia besought that the stream of penal labour might still be turned in their direction.

In actual numbers, then, of the seven colonies which compose the Australasian group—namely, New South Wales, Tasmania, Victoria, South Australia, New Zealand, Queensland, and Western Australia,—two alone started with the penal element, and they abolished it upwards of a quarter of a century ago; four maintained themselves entirely free from that taint; and the seventh and last was, at a late period, obliged to call in the aid of convict labour. In addition to which, it is to be borne in mind that every member of the group obtained its

vastly preponderating sources of free labour from very superior classes of landowners and labourers,—even before the goldfields' tide set in. Indeed, when we compare the earlier American plantations, deluged, for many years, with the dregs of Europe, we may fairly conclude that the Australian Colonies contained no greater or more disproportionate admixture of these corrupt elements. Nor, when we follow the stream in its course of purification, does the Australian system appear at all disadvantageously beside that of America, or even our own ticket-of-leave system. The felons shipped to the American plantations came hot from English gaols, such as English gaols then were. They were handed over to 'contractors' on whom few rules were imposed, and who notoriously set at nought every rule of God and man. Even the present ticket-of leave man of the United Kingdom leaves his prison under most doubtful auspices. His old associates are near, to fall back upon. He seeks employment in a land where the industrious and reputable find it no easy task to obtain employment. It was otherwise with the Australian convict. If found irreclaimable, he was sent to Norfolk Island, a lone spot in the midst of the wide Pacific, where he lived and died, as apart from Australia as from the United Kingdom. If his conduct in the penal stockade gave better promise, he was assigned to one of the great inland squatters, men generally of good family and liberal education. And there, master and man—miles upon miles away from all that could take from their mutual dependence on each other—passed many years of their lives. Allowing for all that can be charged against the Australian system of Assignment,—and the more weighty charges were brought against stockade and hulk discipline and the treatment of convicts pronounced irreclaimable,—it furnished no very imperfect machinery for the gradual purification of the stream of crime then flowing in upon the free settlers. Nor is it to be wondered that, in very many cases, the assigned servant became the old and trusty family retainer. With such men, the earlier explorers of Australia committed themselves to the desert, and their writings bear frequent record of the true and honest service which they found in them. While, therefore, the great and vastly preponderating tide of free Australian immigration was not unalloyed by the admixture of such impure streams as had previously contributed their quota to American population before the independence of the States, yet it is to be borne in mind that these streams were partial in their character, and not distributed over the whole of the Colonies—that they were restricted to the more promising and

tried class of convicts (the others merely exchanging an English prison for the closer and lifelong prison of Norfolk Island)—and that they were permitted to filter through settlers possessed of more than ordinary respectability and intelligence. Indeed, it will readily be seen that the immensely greater distance of these Colonies from all the chief centres of civilisation, and the high passage-money, hindered them from becoming so easy a place of refuge as the United States for the fugitives and outlaws of European society.

In 1840, transportation ceased throughout the whole of the Australian Colonies; and it was not until several years later that the system, slightly altered to that of 'Penal Servitude,' was partially revived in the distant and almost unpeopled wilderness, known as the Colony of Western Australia. Let us briefly consider, then, under what circumstances the members of the eastern group started on a career, free now in name as in reality. At that time, the Pastoral Tenants of the Crown—known more commonly under the shorter name of Squatters—had become by far the most considerable element of Australian settlement. Before this body, by means of its growing numbers and influence in the Colonies, forced its way to the council-board, the Government was a purely military despotism. The early governors of New South Wales found themselves strictly gaolers over their penal stockades, with no one to whom they might turn for aid or advice, save their soldiers and subordinate officers. Nor did the system suffer much relaxation when the earlier offshoots from the parent colony of New South Wales began to emerge into separate existence. In truth, they came into the world before England had learned to allow her colonial population liberty of thought or action. The duties of a colonial governor consisted solely in carrying out the instructions of the Home Office, and for such duties a council-board could only prove an impediment. The whole colonial empire had fallen into the governing hands of retired military, and, more particularly, naval officers; and, indeed, colonial policy proposed to itself no higher model than that of a well-regulated man-of-war. In purely man-of-war fashion, then—sometimes well-regulated, and, occasionally, very ill-regulated—the Australian Colonies remained, until the squatter class became rooted in the soil. Having, in a recent Number *, offered to the reader a sketch of the rise and progress of this very peculiar element of Australian colonisation, it will be enough now to state that the squatters

* Ed. Rev., No. ccxlii., October, 1863.

were men of capital and respectability, invited from the Home country to turn the Australian wilderness into sheep pastures. They were chiefly taken from the army, the navy, the universities, and even the higher English families; and, in most cases, they possessed the qualifications of a gentleman and a scholar. At a later period, indeed, a few men of more obscure, and even criminal origin, amassing sudden wealth in the strange and unlooked-for changes which befell the Colonies, purchased into their ranks; but the pure Australian squatter bore no unworthy comparison to the Planter of Virginia, or the early voyager of the Mayflower. They were men of enterprise and indomitable energy, who essayed, at the risk of life and capital, to derive a competence from Australian wilds, and with a success which must have satisfied even their own expectations. At the close of the era of which we now write, they possessed upwards of twenty millions of sheep scattered over the various colonies; they contributed annually to the English market over fifty million pounds weight of wool; and their horses and horned cattle fell little short of five millions. The Representative form of government was then utterly unknown throughout the Colonies, and the squatters obtained a voice in the administration on the 'nominee' principle. Called by the Crown—acting of course through the Governor—a few of the leading members of the class formed an Executive, and eventually swelled into the proportions of a Legislative Assembly. But, in all other respects, the relations between the Colonies and the Colonial Office suffered little change. All revenues arising from land and customs remained the exclusive property of the Crown; and all appointments of any considerable trust or emolument issued from Downing Street. The Governor was still the agent of the Home Government; but an agent who resides at the opposite side of the globe must necessarily be entrusted with large powers, and these powers he now shared with a single class of the community. The change, as may be readily inferred, was from a military despotism to a purely aristocratic form of government. The remaining free population were small in number and uninfluential. They were almost entirely excluded from the lands, and, huddled into a few towns, they followed the very limited number of mechanical employments required in a pastoral community forbidden to break the soil.

We have thus seen how the military despotism of the early Australian colonisation merged into an aristocratic form of government. But to follow the curious complications which ensued on the later introduction of representative and responsible

government, and the political parties into which the community has since resolved itself, it will be necessary to understand the further career of this aristocratic form under the pastoral tenants of the Crown. And at this career we now take a passing glance.

It was not until some years after the abolition of transportation that the form of government was slightly modified, and the representative principle obtained some small recognition. By the Imperial Act of 1842, the government of the colony was vested in the Governor and a Council consisting of 54 members. Thirty-six members of the Council were to be selected by the colonists, and the remaining 18 nominated by the Crown. Of the nominated members, 6 were to compose the Ministry, and to have seats by virtue of office. Members of Council were obliged to possess a property qualification of 2000*l.*, or income of the value of 100*l.* per annum arising from real estate. The franchise was limited to colonists possessed of freehold property to the value of 200*l.*, or occupation of a dwelling valued at 20*l.* per annum. Customs and crown lands were left as before; money bills were to originate with the Governor only; and a civil list was added, free from the control of the Council, for the salaries of Governor, judges, and the higher officers, the expenses of the administration of justice, and the maintenance of civil and religious establishments. At first sight, it might appear that the squatters would fare little better than the rest of their fellow-colonists under so extremely restricted a form of government. Such, however, was not in actual practice the case. The pastoral tenants of the Crown had but one object in view. They already held the whole of the Crown lands of the Colonies by yearly lease, and they hoped to convert their yearly leases into Crown grants in perpetuity. In the face of such a hope, the general preparation of the Colonies for interior settlement, a large annual expenditure on public works, and a more liberal recognition of the poorer classes of immigrants now beginning to communicate a new feature to Australian colonisation, were viewed with apathy, if not with dislike. The bullock-drays, which brought down their annual shipments of wool to the coast, brought back their annual supplies of 'stores:' and a bush track was far better suited to the feet of the bullocks than the best 'metalled' road. When they asked for Crown grants, they invariably urged that no one else wanted the lands. Nor was it any policy of theirs to add to their attractions, or to elevate the rest of the community into a position in the administration of affairs where their wants could have a voice. But, indeed,

the pastoral tenants virtually composed the administration. By habits and education, they recommended themselves to the Governor as the only body from which to select his Ministry, and the Ministry, as we have already stated, was a wholly unrepresentative body, and occupied seats in the Council by right of office. The position of a Minister, too, afforded many ways—then publicly recognised throughout the Colonies—of following and extending squatting pursuits. When, in rare instances, the squatter did not become a Minister, the Minister acquired the ways and means to become a squatter. In the larger Assembly, too, the property qualification was chiefly favourable to the squatters, or to the few members of other wealthy classes whose pursuits—as wool-broking, shipping, &c.—identified their interests with those of the squatters.

We now approach the period in which a wholly new tide of immigration suddenly poured itself over the Australian Colonies; and this short sketch may enable the reader to understand the peculiar position of parties which awaited its arrival. Before, however, we embark on this new period, it becomes necessary slightly to shift the scene. To follow out, in the political history of the Australian Colonies, the small and trifling points in which one colony differed from a neighbouring colony, would involve us in a task exceeding all reasonable limits; and we have, therefore, in the brief outline which we have here placed before the reader, adhered chiefly to the course of events affecting the colony of New South Wales, the parent colony of the group, and, by greatly preponderating population and wealth, justly entitled to the central position of our sketch. The discovery of gold, however, brought a greatly increased population to the adjacent colony of Victoria, and the superior richness of its goldfields have since maintained it at the head of the group. Without, therefore, wholly losing sight of New South Wales, or indeed of any member of the group, we shall now shift our chief attention to this the new centre of the political and industrial activity of Australia.

Immediately previous to the discovery of gold, some slight modifications in the constitution of the Australian Colonies had been introduced by the Home authorities. The 200*l.* franchise of the Act of 1842 was reduced to 100*l.*; in the remaining colonies of the group, the purely 'nominee' council-boards which assisted the Governors were replaced by partially representative legislative bodies similar to that we have seen established in New South Wales; and the colony of Victoria itself, hitherto known as the southern district of New South Wales, was erected into an independent State. Customs and

crown lands were to remain the same; money bills were to originate with Governors only; and the Home Office still retained its appointments. This new Act arrived in the Colonies in 1851; and, in the same year, the discovery of gold rendered its modifications wholly ineffectual to meet the unlooked-for circumstances of the case. Several thousand immigrants a-day were then pouring into the chief ports of the Colonies, and were swelling the ranks of the landless classes of the colonists. They found discontent, and the disappointments and discomforts of a goldseeker's life made them peculiarly prone to join discontent. It is to be regretted that we possess no name which can with propriety be applied to this rapidly increasing mass of colonists, new and old—comprehending within itself the goldminer, the mechanic, the small farmer, the small trader, and the more rude labourer. If, in the course of the following pages, we designate them—by a term of their own choosing—as 'the people,' it is to avoid the use of more cumbrous expressions. 'The people,' then, complained of the following grievances:—In the administration of public affairs they had no voice; the whole lands of the Colonies were in the hands of the pastoral tenants of the Crown; from the rapidly increasing revenues of the Colonies they derived no benefit; and public works were not prosecuted with a vigour to afford them adequate employment, or to facilitate internal communication. Amid all these, however, 'the land' grievance obtained a prominence, and maintained a share of public attention, wholly in excess of any of the rest. We pass over all minor grievances of gold licences, trespassing disputes with neighbouring squatters, absence of internal local legislation, and others of a like temporary nature. But besides these complaints of 'the people,' there were others in which the whole body of the colonists joined. They complained that all colonial patronage was reserved by Downing Street; that the Crown retained possession of the soil; that the Colonies were not permitted to have control over their own revenues; that the various legislative bodies were in great measure nominated by the Crown; and that the Colonial Ministers of the day were wholly irresponsible to their fellow-colonists. The Constitution Act, passed immediately previous to the discovery of gold, met, as we have already seen, none of these objections; but it contained one very important provision by which they might be all met. Even previous to the discovery of gold, it was seen that our colonial policy must suffer a very considerable enlargement before it could be adequate to the wants and rapidly increasing importance of the Australian Colonies. Accordingly,

permission was given, in the Act to which we have just referred, to the legislative bodies of the various colonies to draw up Colonial Constitutions of their own; to which the Royal Assent would be given, if found free from any grave objections. And to this task they now addressed themselves. Let us consider, then, for a moment by what hands the form of representative and responsible government was to be fashioned. The legislative body of Victoria—and, with scarcely a difference, of the neighbouring colonies—consisted of a Governor and a House of thirty members. Of these thirty members, ten were nominated to seats by the Crown, at the recommendation of the Governor, from whom the five officers composing the executive were taken, and the remaining twenty were elected under the restricted franchise we have already described. The electoral divisions threw the main body of these on the inland districts, then exclusively in the possession of the squatters; and Melbourne and Geelong, the only towns of note, and containing close on one-half of the whole population of the colony, numbered only five representatives in the House. The House, therefore, may be said to have consisted of purely aristocratic elements; and, indeed, we search in vain through the whole list of names for half-a-dozen members unconnected with squatting pursuits. These considerations may appear unimportant in themselves, but in them alone we shall find the key to the curious combination of parties which marked the future course of political events. The constitution of the House gave no great promise of a liberal, or 'popular' measure, but the strong feelings of discontent without its walls are to be borne in mind, and the extraordinary rapidity with which its ranks were increasing. Their labours were not brought to a close until 1854. In common with all the colonies of the group, they decided that two Houses were to replace the old Colonial 'Legislative Assembly.' Those of Victoria were to be wholly representative. Some of the neighbouring colonies still retained the 'nominee' principle in their Upper Houses; and Victoria, as an equipoise, affixed the high qualification of 5,000*l.* in real estate to a seat in its Upper House—indeed, 10,000*l.* was proposed, and lost by a casting vote. In all other respects, we shall find no difference worth recording in the constitutions of the other colonies. Another very important safeguard of the Upper House was that its constitution could be changed only by the vote of two-thirds of its own members—not only actually in attendance, but forming the body. But for this provision, in all probability the Upper House would have been wholly swept away in the periods of change which

followed. Persons qualified to vote in the election of members to the Upper House were to belong to the learned profession, or to possess real property to the amount of 500*l.*

As the working portion, however, of the Colonies' legislative machinery, the constitution of the Lower House demands more particular attention. It consisted of sixty seats, to each of which was attached a property-qualification of 300*l.* in real estate. The mode of election for members of the Lower House was, in all respects, similar to that at present in force throughout the United Kingdom, and the franchise was placed at the same amount. A re-division of electoral districts was made, and a much nearer approximation to an equal proportion between seats and population effected. Of the Ministry of the day, four at least were to be members of the Lower House. Hitherto the only form in which the principle of responsibility found footing in the political administration of the Colonies centred in the Governor. The Governor of each colony was responsible to the Home Office. Perhaps the most important change which now took place consisted in a complete transfer of this responsibility. From the Governor and the Home Office it was shifted to the local Ministry and the local Parliament. The Ministry were to be answerable to the House alone, and the House was to be answerable to its constituencies. The Crown was to resign its control over the public lands; revenues arising from all sources were to revert to the Colonies —a moderate Civil List alone excepted; and all Colonial patronage was to be transferred from the Home Office to the local Ministry.

Such were the main features of each new plan of self-government which the various colonies of the group laid before the Home country; and, as such, they received the Royal Assent without any modification—the Crown reserving the right of veto only in cases where its privileges were affected, or the general interests of the Empire at stake.

The new Constitution Act of Victoria arrived in the colony in 1855, and immediate steps were taken to put its principles into actual practice. Before, however, a single preliminary measure could be adopted, the new 'reforms,' which were close at hand, already made their urgency known. To the old Legislative Assembly was entrusted the carrying out of the various steps necessary for the formation of the new Houses of Parliament by which it was to be supplanted; and it was now moved within its walls that vote by Ballot should be substituted for the ordinary method at elections of members which the Constitution Act had copied from the Home country. The

motion was carried, and the Ballot became part of the Colonial Constitution. The Ministry, naturally desirous to defer all important changes to the meeting of the new Colonial Parliament, resigned on the adverse vote. The Governor, too, the last of the navy captains of the old system—weighed down by the cares of a transition new and, in many respects, distasteful to him—fell ill, and died. Thus circumstances, in reality accidental in themselves, caused the new form of Constitutional Government to be introduced into the colony with some impediments. Perhaps, however, those circumstances were not entirely useless in more severely testing the new method of voting at elections during times of great political excitement. Any examination of the general principles of the Ballot is entirely beyond the scope of our present subject. But, agreeably to our purpose to notice each departure from the principles of the English Constitution, as from time to time engrafted on the Australian system, we shall here pause for a moment to inquire into its working throughout the Colonies.

The argument most frequently put forward in favour of the Ballot is the freedom of choice which it gives to the elector in recording his vote. It would be difficult to select a portion of British soil more singularly unsuited to such an argument than the Australian Colonies. Intimidation and bribery are the two principal means whereby a perfect freedom of choice, in a political sense, may be taken from the elector. Intimidation naturally divides itself into two kinds: that which a person in some superior position—as a landlord or employer—may exercise; and the mere passing intimidation of the mob. Land, throughout the Australian Colonies, has passed into private hands directly from the Crown; and—since the Crown has resigned its title—directly from the local Office of Public Lands. And though doubtless, in process of time, large tracts will pass by subdivision from private hand to private hand, yet bodies of small tenancies are, for the following reasons, unlikely to become a feature of Australian colonisation. The nature of the soil renders it unsuitable for very small holdings; it is the great desire of the emigrant to buy 'out and out,' and erect his dwelling, however humble it may be, on freehold ground; and the immeasurable background lying behind the borders of settlement will, for centuries, enable him to do so directly from the Office of Public Lands. The case of the employer of labour may not, perhaps, be put so strongly; yet it may be put strongly. In a country of such vast extent, and resources in process of active development, labour will for many years maintain the independent position which it now

holds; and the goldfields always leave open a field of employment in which the labourer may be his own master. Where, throughout the Colonies, the balance of mutual dependence between employer and employed has hitherto swerved from the equipoise, it has invariably been in favour of the employed; and the interests which the capitalist has at stake allow him little exercise of extraordinary authority in a limited labour-market. There seems no occasion for us to enter into any examination of the second kind of intimidation, namely, mob intimidation. It is strictly temporary and evanescent in its nature, and, where exercised, is in all cases directed against the previously-expressed opinions and character of the elector, without reference to the vote which he has just recorded, and which, in a well-arranged hustings, ought scarcely to leak out before it has spent its fury. It is the present fury of a mob which the elector desires to shun; and few men are influenced in their votes under fear that their windows may be smashed next year, or next week. There is no probability that the Australian Colonies will be wholly exempt from such temporary outbursts, but we do not see how the Ballot can more completely meet them than the ordinary method of voting under proper regulations.

It is doubtful whether, under any circumstances, the Ballot would prove any considerable check on bribery. Notwithstanding periods of considerable political excitement, men of substance have not shown in Australia any strong inclination to take part in political life; and the inclination, even stronger during the earlier years of Constitutional Government, has since somewhat diminished. As we shall presently see, a seat in the House confers no patronage, no social position, and precludes its occupant from hoping for any advancement in the public service. Under these circumstances, it is not wonderful that capital should be attracted rather to the many openings in the commercial and industrial world than to the very barren one of buying up electors.

When, however, we have said that the ordinary arguments put forward in favour of the Ballot are peculiarly inapplicable to these Colonies, we have said all that can be fairly urged against it since its introduction on Australian soil. Whatever periods of excitement the Colonies may have witnessed, the polling-day has invariably been one of decorum and order. Under the Electoral Act, the constituencies, during a general election, are divided into three batches, and, between the polling of the first and third batch, an interval of forty days may elapse — doubtless, with a view to afford rejected Ministers

another chance of obtaining a seat; but, in each constituency, polling is strictly limited to a single day. The mode of operation is exceedingly simple. On the morning of the polling-day, the ballot-boxes, securely locked, are distributed by the returning-officer among his deputies. Between the hours of ten and four, the elector repairs to the nearest booth within his electoral district. Here the returning-officer, or one of his deputies—in the presence of the scrutineers of each candidate—ascertains his identity with the person named on the electoral roll, and is empowered to administer an oath to him on any doubt arising thereon. The elector then receives a slip of paper on which the names of the candidates are printed, with which he retires to an unoccupied room or stall. Here he finds writing materials, and he draws a pen or pencil through the names of all the candidates whom he rejects, leaving untouched as many as he is entitled to vote for. The paper is to bear no other writing or mark, and all papers having a greater number of names uncrossed than the electoral district is empowered to return to Parliament are subsequently rejected. He now re-enters the returning-officer's room, and drops his paper into the ballot-box; with which his portion of the work of representative government terminates. At four o'clock, at which hour of the polling-day all recording of votes ends throughout the district, the ballot-boxes are taken from the various booths, and lodged in the office of the proper officer appointed to examine them, in whose possession of course the keys have remained. With the more minute details of the machinery to prevent fraud we need not delay the reader, save to state that, during the eight years the Ballot has been now on its trial in the Australian Colonies, they seem to have accomplished the object in view. A couple of years ago the Ministry of the day attempted to add a further safeguard by obliging the returning-officer to affix to each ballot-paper, before handing it to the elector, the number opposite to his name on the electoral roll. On a strong feeling, however, of opposition being exhibited throughout the colony, the clause was expunged from their new Electoral Act.

In this manner the first Parliament of the colony under self-government was elected by means of the Ballot, and the principle is still maintained throughout the Colonies without any modification worth recording. The next important change which we find is the addition of eighteen seats to the Lower House, with a still nearer approximation, in the electoral divisions, to a just proportion between population and parliamentary representation. The property qualification for members of the

same House is now swept away; and complete Manhood Suffrage is the next feature which is added to Australian self-government. Rapid as these changes were, they even suffered somewhat of delay from the grand and all-absorbing subject which engaged every attention, namely, the 'land question.' It was only in the pauses between each fruitless effort to pass a Land Bill that the House felt the full force of the pressure from without, and incorporated into its constitution each new item of the 'popular' programme. It is, therefore, wholly beside the subject to enter into any examination of the reasons which induced the old Legislative Assembly, or the Home authorities, to launch the Colonies on such a course. Whatever might be the first rude outline of a constitution conferred on them, into the present form it would have rapidly shaped itself. The Ballot, indeed, has appeared to us to be no necessary safeguard on Australian soil. But, in the whole range between the strictly aristocratic form of government of a former period and that under pure Manhood Suffrage of the present, no intermediate stage short of Manhood Suffrage can be pointed out, at which it could be reasonably expected that the peculiar elements of Australian colonisation would pause. Towards the latter days of this aristocratic form of government, the ruling party had already found itself in a very considerable minority, with deep discontent everywhere outside its ranks. Supported mainly by the Home authorities, its position was strictly that which mathematicians recognise as 'unstable equi-librium,' and, losing such support, it quickly yielded before the vastly preponderating tide of new colonisation which the gold discoveries brought with them. It would be idle, therefore, to discuss the policy which assisted the colonists to arrive at such a form of self-government. It is a far more important question to consider how such a form has done the work of the country, and what promise of future work it holds out.

And to begin with the Upper House, which the greater pressure on its working partner has compelled us to leave unnoticed. In common with the British American Colonies, the Australian group evinced considerable hesitation in the constitutions which they gave to their Upper Houses. Some members of the group wholly retained the 'nominee' principle, under which seats were filled by the Crown. The colony of Victoria compromised the matter, while making its Upper House entirely representative, by affixing the high qualification of 5,000*l.* in real estate to each seat. It was not thought that this portion of the Legislature could permanently resist any considerable pressure brought to bear upon it, and it was

only hoped that it might delay, and possibly modify, hasty attempts at legislation. In this hope, the Colonies which adopted the 'nominee' principle in their Upper Houses have fared worse. The Houses themselves have ceased to be regarded as working portions of the Legislature; and an ungracious resistance to 'popular' measures has been terminated by the addition of new seats to the body. The representative Houses have hitherto shown themselves equally powerless to resist the main features of a democratic form of government, though, in matters of minor detail, they have made a more effectual opposition. Thus, in the colony of Victoria, State aid to the various religious denominations, a provision dating as far back as 1836, and the cause of some heartburning throughout the Colonies, has been retained, though rejected several times by the Lower House; a proposition to award payment to members of Parliament has for some time lain in abeyance, and several Land and Education Bills have come to a similar end in the Upper House. It is scarcely doubtful, however, that a pressure from outside, which has so completely moulded the constitution of the Lower House, can long be without its effect on the Upper. And, indeed, it is difficult to imagine that a deliberative body—raised by nothing except the accidental circumstance of wealth (one carrying no respect with it in the Australian mind) above the vast mass of their fellow-colonists—will occupy for any very long time the ungracious position of a mere drag-chain on the legislation of the day. The colonial Upper Houses must be regarded as in a transition state; and the transition must be to a more 'popular' constitution, if they would take any active part in forming the laws of the land, or moulding the Australian future.

In the meantime, the immense mass of legislation, required in a new and rapidly-rising country, entirely fell upon the Lower House, and it may be interesting to inquire how it has discharged the task. In fairness, we must bear in mind the great difficulties which lay in its way in the prosecution of this task. These impediments were threefold:—the opposition of the Upper House, the constitutional changes in the form of self-government which we have just recounted, and the protracted and all-absorbing difficulties of the 'land question.'

Having, in a recent Number *, reviewed the methods which the various Colonies have taken of dealing with their public lands, we shall now pass on to other subjects of general legislation. Education demands the primary place. The Colonies

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possessed, at an early period of their existence, a system of primary education, known as the Denominational System. Under this system, the State entrusted to the heads of the various religious denominations an annual sum for the support and management of primary schools. The sum was allocated on the basis of population, and the Board maintained a system of inspection; but, in all other respects, the details were left to the management of the clergy. The school-house was built on Church ground, and the schoolmaster was appointed and dismissed by the clergyman. Such a system was not altogether without its advantages. In addition to the visits of the Board inspectors, few and far between, the country schools were under the daily supervision of the resident clergyman,—school districts were organised by him in new and thinly-peopled localities,—and, in a country where lay patrons were difficult to be obtained, and took no active part when obtained, the clerical patron was not unacquainted with school routine, and, in most cases—and to a much greater extent than in the Home country—had himself exercised the office of schoolmaster at some period of his life. In actual practice, however, these advantages were found to be very much overbalanced. Chiefly, the expenses became so multiplied as to threaten, notwithstanding the utmost liberality of the State, to bring the whole machinery of primary education to a stand-still. The various religious bodies, and more especially the dissenting bodies, have evinced very considerable activity throughout the Australian Colonies. Whatever direction settlement has taken, it has been quickly followed by the appointment of clergymen of the various denominations, and the celebration of the public offices of religion; and, as each clergyman possessed the right of nominating teachers and of calling on the Education Board for the necessary funds, he lost no time in doing so. Indeed, in most cases, the school-buildings were used for the purposes of divine service, and the exercise of patronage was an additional inducement for activity. In this manner the mere rude outline of a town was found to possess its four, five, and even six small primary schools within a stone's throw of each other. It is not to be wondered at if, under such a system, the schools were inefficient, the masters ill-paid, and the whole scholastic machinery—which might have been used so advantageously in large buildings and under a proper staff of teachers—uselessly frittered away in so many minute subdivisions.

Such was the condition of primary education when the system of self-government whose course we have been tracing came

into being, and the new Legislature applied itself with assiduity to remedy its defects. Their efforts, however, raised a most determined and, for several years, invincible opposition from the clergy. Even more strenuously than at home, a purely denominational system was put forward by them as alone compatible with the necessary religious culture of youth,—though, at home, the existence of a State religion is a very considerable check on the excessive multiplication of sectarian schools. And all overtures for a combined system, or for a secular system in which the clergy would co-operate by undertaking the religious instruction of the members of their respective flocks, were met by their firm resistance. Several education bills were introduced into the Lower House, and were there abandoned, or thrown out in the Upper House. The lay population showed their indifference to a purely denominational system by sending their children, irrespective of sectarian considerations, to whatever local school gave the best secular instruction; but it was judged inexpedient to force any new system on the country in the face of so uncompromising an opposition from the religious instructors of the people. Balked in its efforts to obtain the co-operation of the clergy, the Legislature entered upon a new course. The Irish National system of education was the one which had chiefly recommended itself to all, save the clerical body, as most suited to take the place of the denominational system at work throughout the country; and it, or some very near modification of it, was sought to be introduced in the various bills we have just referred to. Unable to carry out these views, the House now left the denominational system to its supporters—making, however, no diminution in the annual vote to it—and passed an Act establishing a Board, in all respects similar to the National Board of Ireland, with an adequate endowment. In this manner it was hoped that the schools of the new Board would in time supplant those of the old. No such result, however, took place. The small inefficient schools of each village merely found another added to their number, while the various local rivalries and jealousies were far from being diminished by the change. The two Boards went into opposition from the commencement. They established separate training-schools—their two staffs of inspectors travelled the same roads; indeed, in many instances, the National inspector came and overturned the work of the Denominational inspector; the Denominational inspector returned and overturned the work of his opponent.

One advantage, indeed, resulted from the keen rivalry which the denominational system maintained with itself, and

with the new system. A very large proportion of the school population was found in actual attendance. But little more could be urged in favour of the experiment. Notwithstanding, however, their failure to establish a more combined system, the Legislature—with the full approval of the country—exhibited an exceeding liberality in the cause of primary education. Before the colony of Victoria had reached the tenth year of its independent existence, the annual Parliamentary grant for primary education had risen to the sum of 120,000*l.*,—a sum which, taking population for population, is equivalent to the enormous annual grant of five millions from the House of Commons for the primary schools of England alone, or close on eight millions for those of the United Kingdom. In the older colony of New South Wales, in which a precisely similar course—curious as that course is—had been followed, the annual Education vote rose to a correspondingly large amount. Yet, notwithstanding this very great liberality on the part of the Legislature, a system so inherently extravagant was unable to bring its expenses within its income, and there were few years in which both Boards did not come before the House in a supplementary estimate. In 1861, we find the colony of Victoria voting 125,000*l.* for the annual expenses of primary education, but before the year had elapsed the Denominational Board had entered into arrangements to the extent of 105,000*l.*, and the National Board to that of 50,343*l.* It became apparent to all that, in the gradual extension of inland settlement, primary education must either lag behind or exhaust the entire colonial revenue. Accordingly, in 1862, the House entered on a more determined step. By the Education Act of that year, the two rival Boards were abolished, and one uniform system established throughout the colony. The Act is little more than a reconstruction of the late National system from the combined elements of itself and its rival, and, indeed, the National system of Ireland has been in all respects closely followed. Not less than four hours each week-day are to be exclusively devoted to secular instruction; the position and emoluments of masters have been improved, and they are brought under a more complete classification according to merit. According to this classification, they receive from the Board salaries varying from 100*l.* to 300*l.* per annum, and fees from pupils—which range from 1*s.* to 2*s.* per week—add about an equal amount to their incomes: any approach to the free system of the United States or the Canadas being entirely discountenanced,—much, we believe, to the

advantage of public education. No diminution has been made in the annual vote of the Legislature; and, on the whole, we are inclined to think that the primary school and its teacher of these Colonies will now take a far more deserving position, and one which the supporters of state education in the Home country have long despaired of. If this is a result which it has taken the Colonies some time to arrive at, the delay is to be attributed to the difficulties which the clergy threw in the way, and by no means to the Legislature or the country, which have shown an early anxiety on the subject, and continued to afford most liberal aid in the midst of much temporary disappointment.

In the progress of an upper or high-school system, the Colonies have experienced no such delays and disappointments, though unable to free themselves entirely from the denominational element. At an early period of representative government, the House voted a sum of money for the building and endowment of grammar schools. The fund was transferred to the heads of the various religious denominations—in the proportion of the census population—who appointed trustees for its management. By these, very efficient and handsome buildings have been erected in suitable localities; properly-qualified masters have been selected, and necessary rules drawn up. With these, however, their denominational character in a great measure terminates. The schools are, indeed, known by the names of the religious bodies to which they belong, but they receive pupils irrespective of sect, and the instruction is of a very superior order. School charges are about the same as those of the great public schools of England, and they have endeavoured to copy all that is most commendable in those time-honoured institutions. Already they furnish their annual supplies to the new universities.

In their universities, however, the Colonies have been able entirely to shake off the denominational element. The universities of Melbourne and Sydney are empowered to grant degrees in arts, law, and medicine; and by recent letters patent their degrees take rank with those of the Home universities. These institutions have taken care that so distinguished an honour should not be abused; and, indeed, some of their alumni have taken very high positions in the more important Home competitive examinations. Schools of law, medicine, and engineering have been attached, and are now largely attended. Indeed, the whole machinery for supplying the learned professions with new colonial material is now in full working and very efficient order; and the field of remuneration

is a large and rapidly-increasing one. As some compensation for excluding the denominational element from the universities, the religious bodies have been allowed to affiliate colleges of their own, and from these the ranks of the colonial clergy are beginning to be recruited.

Our limits will not permit us to enter into any detailed notice of the public libraries, museums, and other institutions of a kindred nature, which the various Legislatures have endowed in a very liberal manner—annexing rules which afford peculiar facilities for their use and enjoyment by all classes of their fellow-colonists. One feature, however, of the Public Library of Melbourne we cannot wholly pass over. At ten o'clock in the morning the doors are thrown open, and are not closed until ten o'clock at night. No preliminary regulation of any kind is imposed on readers, who have direct access to the shelves, without the medium of the librarian or his assistants, unless they choose to call on them. Such a rule is, we fear, wholly inapplicable in any portion of the United Kingdom, and we mention it merely to indicate the experiments in 'popular' legislation which the Colonies have entered upon. Extreme decorum reigns throughout this entire building, and no abuse has yet discovered itself of the trust reposed in all classes of the colonists. The number of volumes is already large, and exceedingly well chosen; and a liberal Parliamentary grant enables the trustees to make monthly additions of the current literature of Europe and America.

From Education and its cognate institutions, we proceed to Public Works. A gradually extending franchise, it will be inferred, would naturally lead to a corresponding extension in works of public utility, and the Australian Colonies will be found to furnish an unusually strong instance in point. In truth, the predecessors of representative government had left all the work to be done. Sydney, indeed, by means of its supply of penal labour, had been considerably improved, and some main lines of road opened inland from it; but the outlying districts of New South Wales even were wofully neglected; and, on the discovery of gold, the cities and towns of all the other colonies stood in the midst of absolute and untracked wildernesses. It cost more money to convey a shipload of goods from the bay to Melbourne than from England to the bay. The carriage of a single ton from Melbourne to the goldfields varied from 100*l.* to 200*l.*: and the strictly pastoral state in which the lands had been previously kept obliged the inland settler to procure everything, save beef and mutton, from the seaboard. Owing to peculiar circumstances,

too, the task of improvement was thrown wholly on the new governments. In addition to a very extensive system of public roads, the Colonies have now constructed several main lines of railways. The light cheap system of the United States lines was suggested; but, on consideration, the works were entirely restricted to those of a solid and permanent character. It would be difficult within the United Kingdom to find more excellent specimens of workmanship than are exhibited on most of these colonial lines. The surface of the country has not been found entirely favourable to the construction of railways, and works of engineering skill and considerable cost are occasionally to be met. This, combined with a high rate of labour, has caused railroad-communication to be effected at a somewhat large outlay; but the colonists have gained, in return, a rapidly-decreased cost of carriage. These works have, for the first time, obliged the Colonies to enter the London money-market, and to burden themselves with a public debt. They have borrowed, altogether, about sixteen millions—with provision, however, to repay within the next twenty years or so. This is the only instance in which the Colonies have been unable to meet the outlay on works of public improvement by their ordinary annual revenue, but the expenses of inland carriage pressed so enormously on the settlers that the measure would appear to have been a wise one.

Telegraphic communication claims the next attention after railroads, and here again the Legislature was obliged to step in. The whole of the eastern group of Colonies now exhibit a complete network of the telegraphic wire, radiating from all its cities and chief towns. An effort was made to link Tasmania on to the group by means of a submarine cable. The cable was found to answer for a while, but eventually became out of order, and is now silent. This, however, is probably attributable to our imperfect knowledge of submarine telegraphy when met by more than ordinary difficulties, and not to any remissness on the part of the Colonies.

From the exertions of the Colonies themselves to facilitate communication, we may here for a moment step aside to consider what interest they possess in similar works carried on outside their bounds. Our readers are aware that active preparations have for some time been in progress to connect England with India by means of the telegraphic wire, and we may now confidently expect that all difficulties in the way are on the eve of removal. There is already a very complete network established throughout the Indian Empire, and it will only remain for the Australian Colonies to be attached to the most accessible point of

India. The new colony of Queensland is now actively extending the inter-colonial network to the north of Australia; and between the north of Australia and India it is stated that the intermediate shallow seas and islands present no difficulties for the completion of the line. Indeed the islands of Sumatra and Java occupy more than half of the intermediate distance, and already possess a telegraphic system of their own; and the complete string of islands which stretch from the north of Sumatra to India (known as the Andamans), and from the south of Java to the Australian continent (known as the Timor group), would doubtless afford facilities for crossing the remaining portions of the distance. Indeed, could the Australians succeed in reaching Sumatra, it is more than probable that the Indian Company would be induced to meet them there.

Having done so much for internal communication, the Legislature was next obliged to turn its attention to the important question of Water. During long periods of drought water on the goldfields was found to fail, producing a very serious falling-off in the supply of gold—the extraction of which from the soil has hitherto been accomplished only by means of water. Melbourne, too, was obliged to draw its water-supplies from the Yarra, and the Legislature took in hand to provide a less objectionable source. This latter gigantic undertaking has consumed upwards of a million of money, but Melbourne is now in all probability the best supplied city in the British Empire. The various public buildings, too, early claimed attention. So suddenly was an immense accumulation of work poured upon all the various government offices, that the accommodation was found wholly insufficient, and private buildings were rented by the Government at enormous expense. Under this pressure, it was obliged to proceed with the erection of the various government offices required in a new state, and a style was adopted somewhat more in accordance with the youthful promise of the country than the actual exigencies of the time; in consequence of which, some of these public buildings are still in process of completion.

From public offices to public servants is but a step. It will be readily imagined that the old system of Home-appointments was ill-prepared for the sudden tide of settlement which the gold discoveries brought with them, and the severe strain to which they put the civil service of the Colonies. The new Legislatures enlarged their public departments to meet the exigency in the best manner they could; but so sudden was the strain, so large the requirements, and so little suitable much of the material at hand, that the Civil Service grew large before

it began to grow systematic. Nor did the early pressure on the new Legislatures, and their efforts to set their own houses in order, permit them to approach the work of management in the public offices for some years. In the single colony of Victoria alone the expenses of the Civil Service had swelled to the enormous annual amount of 3,583,598*l.*, while a very able Report of the Commissioners appointed to inquire into its condition states:—

'There is no rule as to appointments; no rule as to promotion; no rule as to dismissals; no rule as to leave of absence; no rule as to superannuation. There are few defined degrees of rank, there is no uniform correspondence between salary and duty, and there are variations of salary between officers of equal rank who perform similar duties. Although, according to the theory of our Constitution, the Civil Service is a uniform body under the control of the Governor, assisted by a Council composed of the political chief officers of the various departments into which the service is divided, yet, from the absence of any formal regulations, the service has practically become fragmentary, and is split up into small departmental subdivisions, each of which regards itself as distinct from even kindred offices.'

Nor were these the only evils. That dependence on the Government of the day, which has become so marked a feature of the American scheme, has been wholly excluded from the Civil Service of the Australian Colonies; but it will be naturally expected that a House yearly becoming more democratic, and subject to a very severe democratic pressure from without, should narrowly inspect the estimates. In this manner, the whole civil service of the Colonies was passed in annual review, office by office; and, when the spirit of economy was strong upon the House, it was impossible to say what salary might be pounced upon, and seriously decreased, or even wholly abolished. 'From the uncertainty,' continues the Report from which we have just quoted, 'as to the nature and extent 'of the reductions which the Legislature may think fit to make 'in any session, no public servant can in any year tell what 'his income the following year will be, or whether he will 'have any income at all. It is needless to detail the incon-'venience and loss to the public, the distress of mind and the 'embarrassment to the individual officers, which such a state of 'things occasions, or its consequences in a small community, 'in which attention is naturally attracted more to the officer 'than the office.' When the various constitutional changes which we have rapidly passed in review had to a great extent been effected, the Legislature at length approached this most important task. A Civil Service Act, embodying the

suggestions of the Commissioners was passed, and the House resigned its annual inspection of individual salaries. The chief features of this Act may be briefly summed up. Each member of the Ministry has one or more of the public departments placed under his charge. Each department is provided with a head, whose position is entirely uninfluenced by the political changes of the day; and, in a country where political changes are not unfrequent, it will be seen how necessary such a provision becomes. All members of the Civil Service hold office *quamdiu se bene gesserint*, and obtain promotion subject to regulation. The competitive system has been introduced into all offices which were considered to fairly admit of the principle; but appointments to every office throughout the service must be drawn from a test list. In furtherance of this latter provision, the university has lent its assistance, and all candidates for the Civil Service must now hold the certificate of its board of examiners. In addition, the Act makes ample provision for superannuation, leave of absence, fines, punishments, and dismissals. The whole system is now found to work with much greater satisfaction both to the public and the officers themselves, while a more strict adherence to classification has been found to effect a very considerable annual saving—amounting, in one colony alone, to a quarter of a million of money.

The very important subject of self-defence is one which the Colonies have been slow in approaching. They dealt, indeed, in a liberal manner with the Imperial troops entrusted to them, and were not behindhand in following the Home country in organising a Volunteer system; but they left their harbours wholly unprotected, and entered into no permanent arrangements with the English Government on the subject of Imperial aid. In this unsatisfactory state matters have remained down to a very recent period. Indeed, the Imperial despatch of 1863 may be taken as the first decisive movement. In this despatch, the late lamented Duke of Newcastle proposed that the protection of the Australian seas should fall solely on the Imperial fleet, and that the Colonies should concentrate all their attention on harbour and inland defence. For this latter purpose, he further proposed that England should supply each colony with a few companies of trained men—to serve as a nucleus for a larger body—on payment of 40*l.* per annum for each soldier, without distinction of rank. No objections of moment have been raised to this proposal, and the various Legislatures have entered on the necessary steps towards fulfilling their portion of it. Batteries and pontoon rafts have

been erected at the entrance of the chief harbours, and a liberal grant has been made for guns of a heavy calibre to arm them; similar grants have followed for the purchase of iron-plated vessels. In addition to these steps, the Volunteer force, already established throughout the Colonies to the extent of about 10,000 men, has undergone a somewhat important modification. In the chief colonies, it is now to be organised under rules similar to those of the Home militia. All enrolled are to receive pay during service, they may be applied to naval or military purposes as the exigencies of the case may demand, and in all cases of desertion or dereliction of duty they are to be dealt with under the Mutiny Act. Under the railway system at present in progress of extension throughout the Colonies, these forces may be readily concentrated on any point of attack, and, under the guidance and example of longer-disciplined troops, there can be little doubt that they will show their efficiency. Aggression from any of the neighbouring countries is, of course, entirely out of the question, and we must look to the shores of Europe or America for the possibility of an Australian invasion. The immense difficulty, however, of transporting any very imposing force half round the globe, would seem to limit efforts in this direction to a mere marauding expedition, with which the present arrangements, if completely carried out, appear adequate to cope.

It is unnecessary for us to prolong our review of recent colonial legislation, by entering into any detailed account of the various measures which have brought the goldfields to their present very efficient state of industry and order,—the municipal endowment of inland towns,—the organisation of a metropolitan and county police,—the extension of the county-court system,—with other provisions for local self-government in the inland districts.

We have thus endeavoured to trace in what manner these various Colonies, under self-government, have set about putting their houses in order. We have enumerated the difficulties which lay in their way, and we have enumerated the work which they have done under those difficulties. In recounting the difficulties, indeed, perhaps we should have made mention of one very considerable element of success—namely, a large and rapidly-increasing revenue. The colony of Victoria, which we have taken as the central figure of the group, opened its new Parliament with a modest budget of a quarter of a million. In a few years, its budget had risen to close on four millions. New South Wales we may set down at about half that amount; South Australia at something over half

a million; Queensland at something under half a million; New Zealand at half a million; Tasmania at a quarter of a million, and Western Australia at 70,000*l.*—giving a total amount of between six and seven millions. Representative Government was, therefore, able to enter on its task with a well-filled purse, without pressing hardly on any portion of the community. And here, perhaps, is the most fitting opportunity to introduce some notice of the financial position of these Colonies.

About one-third of the annual revenues of the various members of the group is furnished by the sale of public lands. Customs furnish another third. The main items of Customs revenue are spirits and tobacco, with an export duty of 1*s.* 6*d.* per oz. on gold. These, with a few very light rates on tea, sugar, beer, and some other articles, are the only duties recognised by the principal members of the group. Latterly, however, one or two of the smaller members—with New South Wales, however, notably at their head—have complicated an exceedingly simple tariff by adding duties on some articles of English manufacture. The trades' population, too, of the larger members have not been wanting in their efforts to urge a similar course on their fellow-colonists. They are left, however, in a very considerable minority by the agricultural, and, more especially, the goldfields' populations, to whom the measure would be wholly one of loss. On the whole, there is no near probability that the Australian group will permit themselves to follow in the restrictive policy of America.* The remaining third of the public revenue arises from pastoral licences and assessment on stock, and a large and rapidly increasing income from the Government railway and telegraphic systems, whose construction we have already referred to. These latter sources of income are already becoming too unwieldy for Government management, and it has been proposed to farm them to contractors, or joint-stock com-

* Later advices exhibit even stronger demonstrations on the part of the trades' population; but we are still of opinion that the agricultural and goldfields' populations will not submit to a restrictive policy. Whether the experiment will be tried, will, however, depend on the social status of the Legislature. The more able and respectable colonists are sound to a man on the principles of Free Trade, but if they retire from public life, and give way to inferior men, a specious compromise with the inland and goldfields' districts is not beyond the range of possibility. It is curious to mark how the relative positions of agricultural and manufacturing classes are inverted at the antipodes.

panies. No definite action has, however, yet taken place in the matter.

With such difficulties, and with such elements of success, the Australian Colonies embarked on the new career of self-government: and, perhaps, not altogether without the apprehensions of observers. We think it will be readily conceded that, up to the present, they have not shown themselves unqualified for the task which has been committed to them. In yielding to the overwhelming pressure of circumstances, it does not appear that they have yielded unwisely; nor, in the changes which constitutional government has undergone, can it be said that the business of the country has been neglected. It may, perhaps, be a more ungracious task, yet it is a most necessary one, to examine more minutely into the exact position at which we now leave constitutional government in the Colonies, and what are the promises which it holds out in the future. Nearer home, we have had too sad proof that a strict and watchful attention to developing the resources of a country, and great industrial progress resulting therefrom, are not incompatible with unsound principles of self-government. Much of that wonderful internal development which the United States have exhibited is, doubtless, to be attributed to the hardy, energetic, restless races which have peopled them; but, in all that could contribute to such development, the United States Government has never lagged behind its people. Their 'perfect neutrality' —combined, doubtless, with that unwritten law of nations which respects infant communities—left Government and people unmolested to follow out the great system of internal progress and settlement which has been the admiration of the world. It was only when the great strain came—when Government and people were called upon to act in new and unusual circumstances—that any unsoundness betrayed itself in actual practice. In a similar manner, the Home country has permitted the Australian Colonies to continue free from all external questions which might complicate their policy. They have been left undisturbed to develope the resources of a great and rich land, and it will be seen that up to the present time they have made no bad use of the opportunity. But it is only reasonable to suppose that complications will arise, both from outside and among themselves. It is impossible to picture to ourselves great nations, such as these Colonies give every promise to become, existing without periods of great trial; and it is worth while to inquire what preparations they are making to meet the strain. By whom, it may be asked, is the business of the country to be carried on?

There is one peculiarity in English society, essential to the success of free institutions, which is not found to an equal degree in any foreign country, and is almost entirely wanting in the Colonies. We mean the existence of an independent class of men, combining wealth, leisure, and intelligence, who are willing and even eager to devote their time and talents to the public service, from a laudable ambition to distinguish themselves by serving the commonwealth. England is in an especial manner the country of unpaid services. The amount of labour performed by Englishmen in Parliament, in public commissions, in charitable institutions, by the county magistracy, and in a multitude of other modes, without fee or reward, is perfectly inconceivable; and would be impossible in any state of society not possessing a numerous body of wealthy and unemployed persons. These are the persons by whom the business of government and administration is mainly carried on; and the gratuitous nature of these services gives them a dignity which no stipendiary officer can claim. Unfortunately for the Colonies, no such class of men is to be found there. Men of superior character and ability are busily engaged in making fortunes, with which they hope to return to the mother-country. They are disgusted and repelled by the tone and the opinions prevalent in colonial democratic assemblies, and they throw the conduct of affairs upon a class of adventurers on whom it confers an adventitious importance. To quote a parallel example, these colonial bodies might be assimilated to the Court of Aldermen and Common Council of the city of London, in which, as is well known, the great merchants, bankers, and traders of the capital refuse to sit. It has sometimes been proposed to render public functions more attractive by paying the members of the colonial legislatures; but this expedient only increases the evil. A stipend destroys the lustre of public service. To the class of persons whom it is most serviceable to secure, it is an object of indifference or aversion; and it makes a seat in the legislature an object of direct interest to the needy and the profligate. It is scarcely possible for a paid Parliament to retain the respect and confidence of the people; and a colony reduced to the humiliating necessity of paying its representatives has already lost, or has never possessed, the most important element of freedom. For this great evil we see no remedy but in the increasing patriotism of the community and the increasing importance of the interests confided to its political chiefs. Colonial politics, as long as they are exclusively colonial, may have but small attractions to men of the highest order of intellect. But when they become *national*,

and when great emergencies arise in the history of nations, hard indeed is the fate of that people which fails to produce men of sufficient weight to conduct its affairs. The magnitude of the power to be exercised and of the interests engaged, is the true spell which attracts the noblest minds to the laborious tasks of public duty; and if they are not recompensed by the triumphs of ambition they cannot be paid for by the wages of the treasury. The Australian Colonies can scarcely attain to the high position to which they seem destined without serious complications arising from questions of foreign policy, —without conflicting views of inter-colonial matters,—without trying crises within the domain of each colony. To prepare for such inevitable emergencies, the administration of public affairs must attract to itself, and retain, the services of the best men. This is the problem which now lies before the Australian Colonies, and by their solution of it the success of their efforts at self-government will be tested.

It remains for us to examine the changes which have been produced in the relations between these Colonies and the Home country, and what further modifications they are likely to undergo. The constitutional ties which bind the Australian group to the Home country are few and simple. The Crown appoints their governors,—a small number of British troops is maintained there, about half of the expense of which falls on the Imperial Government *,—and the administration of justice is controlled by the right of appeal to the Queen in Council. All other matters, not affecting the interests of the Empire at large, have been consigned to the control of the Colonies themselves. These ties—if they may so be called—may, or may not, be to the advantage of the Australian Colonies, but it is difficult to consider them as in any sense matters of public advantage to the Home country. Indeed, an opinion has for some time been gaining ground that colonies, arrived at a stage in which they are capable of self-dependence, are rather burdensome than beneficial to England. Identity of race, it may be urged, we still possess. But, while the commercial interests between us are assuming greater and larger proportions, all identity of a political character is diminishing in an inverse ratio. Thus,

* This, of course, applies only to what we may call the 'peace establishment' of these Colonies. Thus the present war in New Zealand has concentrated a large British force on that island, but we rejoice to find that the recently constituted administration of that colony has deliberately proposed that the British troops should be withdrawn and the conduct of the war left exclusively to the colonial authorities.

for instance, we have no political interests in the wars of the Cape or New Zealand. Nor would the Colonies have any interest in a European war in which we might be engaged, apart from any temporary loss they might suffer by it. While, therefore, interest in identity of race remains more or less constant, and commercial interest rapidly increases with the progress of settlement and internal development, all identity of political interest diminishes, or becomes of a purely incidental character. But, to pursue the argument, commercial interest we have found by experience to be maintained, and even immensely increased, after complete political separation. It was not until the United States had assumed their independence, that our international commerce rose into those gigantic proportions which it maintained for so many years. And, in a similar manner, it may be safely asserted that all that is of real gain to England—her growing commercial relations with the Australian Colonies—would be in no wise endangered by their more complete independence. We have, too, for some years been accustomed to regard these Colonies as in training for that independence,—with which, of late, the colonial policy of England has become entirely consistent; and it will be for the Colonies themselves to declare when the proper day for emancipation has arrived.

On the other hand, however, it may be worth while to inquire whether the Colonies themselves have not an interest, greater than they may at first sight imagine, in the maintenance of the British connexion. What, we may ask, in the first place, is the tie which binds together this group of Colonies in their relation to each other? No colonist, will, we believe, maintain that there is any internal bond of union existing between them; and recent experience has proved how little dependence can be placed upon the Federal principle. The present North American Colonies—independent settlements which no inter-colonial yoke has yet galled—may naturally wish to try the experiment of union from its very newness. But experience has been far otherwise with the Australian Colonies. They were, in truth, originally offshoots from the parent colony of New South Wales, and obtained local independence only after a long and bitter struggle. So far from the least appearance of cohesion now manifesting itself, new outlying districts are still pressing for separation; and, in the elder provinces, Separation Day is annually observed as a public holiday. In fact, the work of disintegration shows no sign whatever of having yet ended. Should the Australian Colonies enter into any Federal union, it is most unlikely to be of a legislative

character, and will, in all probability, extend little beyond the adjustment of tariffs, and be of a nature which may be easily dissolved.

With nothing, then, to bind the group together internally, the Crown alone is the centre of the system which links its members indirectly to each other. With it, they possess a pledge of internal peace and mutual justice; without it, they would become subject to all the inconveniences of small divided states. Situated in the midst of a vast ocean, they would no longer find it the safe highway for their gold-laden ships and general commerce, which, up to the present, it has been to them. Not all the Australian Colonies, working together in the most complete harmony, could hope, for very many years to come, to guard those seas as they are now guarded for them by the fleets of England. Nor would these Colonies be subject only to the depredations of their neighbours and the maritime Powers of Europe. No feature in Australian settlement is more remarkable than the manner in which large numbers of men—poured over the various goldfields of the Colonies—subsided into habits of industry, order, and respect for the laws. We see it repeated in British Columbian settlement. But we do not see it in the neighbouring gold-producing State of California; and we must attribute the difference to the influence exercised over men breathing the atmosphere, and working under the system, of British Government. This influence may, indeed, be intangible, but experience shows us that it is not unfelt. Without it, it may be asked, could one colony, single-handed, and, possibly, on no very cordial terms with its neighbours, cope with a large goldfield's class, or, indeed, with any large class of men whose interests lay apart from those of the general community? or so fearlessly entrust them with such large powers of local legislation? Nor, in estimating this influence, is the presence of educated English Governors to be lost sight of. Unconnected with local parties or interests, their position is unfavourable to the growth of colonial jobbing, and must exercise no slight influence in dispelling newly-forming cliques. Cliques, indeed, have ere now had Governors themselves for their centres, in past colonial administration. But then, the Governor was the government; one who by a stroke of his pen could confer principalities in land, high positions in the Legislature, or public offices of emolument. The whole course of colonial reform has now been to raise the Governor high above the political arena, and to limit his powers to those of a simple and strictly-defined character. The hopes and expectations which his predecessors

might raise in the placehunter, or which the head of a republican state might raise, are effectually set at rest by the position which he now holds. Publicly, he is the representative of a constitutional sovereign; privately, he is the confidential correspondent of the Imperial Ministry. Thus he is debarred from abusing the one position by the responsibility attached to the other.

These are considerations which it is for the colonists themselves to weigh. In our opinion, they will be found wholly favourable to them. Of one fact, however, they may rest firmly assured: the threat of separation has no terrors for English ears, and no blow will be struck, no drop of English blood shed, to maintain the tie a moment after they pronounce constitutionally that it is no longer associated with their interest and esteem. Until then we are bound to protect their shores; we are bound to see impartial justice maintained between colony and colony; and we are bound to strengthen the hands of each colony in the maintenance of internal law and order, should extraordinary circumstances demand it. But with these duties our powers end. To the Australians themselves has been committed the great task of government, and in their hands it must now remain. We may interfere to enforce their laws, but we can no longer interfere to make or unmake their laws. That duty has now devolved upon themselves, and as they attract their best men to the administration of public affairs, so will their success be measured. This is a test which we have already put forward in the course of these pages, and it may seem superfluous to repeat it now. Indeed, it is a test which may be applied to every system of government. Yet it is one which is peculiarly applicable to these Colonies, and we would wish to see it more fully impressed on all classes of their community. The Australians have seen the framework of self-government rising from its foundations before their eyes. Nay, they have seen the very elements of society itself blending and forming into a community around them. Though neither books nor professors have taught them political economy, the very atmosphere around them has suggested its most leading truths. Neither any of the older United States or the Canadas have seen communities grow up in a dozen years. California has seen it, but then California grew up in social disorder and chaos. To the Australian colonist alone has it been permitted to see the whole machinery of law and order put together within a very small portion of a lifetime. But they have seen more. They have seen that the few stump orators—and they were but few—who succeeded in gaining their votes, have played a part wholly

obstructive in the Legislature, and neither built up, nor aided in building up, any one portion of the constitutional machinery. They see, too, that, with scarcely an exception, all the more influential of their fellow-colonists are the architects of their own positions, are by no means ignorant of their wants, and have not shown any absence of sympathy with those constituencies which returned them to the Legislature. These are elements which the more influential colonists might turn to advantage. It is scarcely to be expected that they will spare time from their private pursuits to engage in a public life which an extreme—and we think injurious—jealousy has left without reward; nor is there an unemployed landed class to supply their place. The difficulty is to find inducements of an honourable kind and of sufficient power to lead men of character, station, and ability to devote a large portion of their time to the public service. With such an element in colonial affairs, there is very little doubt that these Colonies will make a right use of the great prosperity which lies around them, and provide for that great future which lies before. But without it, let America declare on how dangerous a sea they embark. Nor has the short history of Australian constitutional government been without its fluctuations. By this test, we have already seen it succeed,—fail,—and now partially succeed again. All the more influential colonists rallied round its first Triennial Parliament. Its second, they left to the contempt of colonists within and without its walls. In its third, we have seen a very considerable reaction. It remains to be seen under what auspices the fourth parliamentary campaign opens, and whether this reaction will be continued. Nor is the future to be prepared for very distant. In America, we have seen it arrive in a lifetime. We have seen a constitution of fourscore years broken to atoms; a system of internal industry which was the admiration of the world reduced to smoking embers; a huge debt raised; and the flower of the population killed or maimed. Doubtless neither Slavery nor Federalism menaces these Colonies; but if the body be unsound, will the specific disease be long wanting? It is certain that the Australians will no less rapidly rise into the proportions of a great nation: will they be more wise or more fortunate?

ART. IV.—1. *Etude sur Madame Roland et son Temps, suivie des Lettres de Madame Roland à Buzot et d'autres Documents inédits.* Par C. A. DAUBAN. Paris: 1864.

2. *Mémoires de Madame Roland, édition entièrement conforme au manuscrit autographe transmis en* 1858 *par un legs à la Bibliothèque Impériale, publiée avec des notes.* Par C. A. DAUBAN. Paris: 1864.

3. *Mémoires de Madame Roland écrits durant sa captivité. Nouvelle édition revue et complétée sur les manuscrits autographes et accompagnée de notes et de pièces d'un grand intérêt.* Par M. P. FAUGÈRE. Paris: 1864.

WE live in an age of historical and biographical discovery. Every day brings to light some secret of the past, some hidden and long-sought-for testimony which has baffled the curiosity of our predecessors; and whereas, at first sight, it might appear natural to suppose that the course of time would render the attainment of truth more difficult, experience shows us that time is, in reality, the best auxiliary of historic research. The mere fact of the disappearance from this world's scene of those who have had personal interest in creating mystery or distorting facts, and the extinction of contemporary fears and hatreds, or even of contemporary scruples and delicacy, leave exposed to the curiosity of succeeding generations much that, being concealed, was supposed to be destroyed. Each successive flood of living passion as it subsides leaves bare at the feet of inquiring posterity the stranded vestiges of former wrecks and long-appeased storms.

But something more than this general law of natural disclosure operates in favour of modern inquiry. The age of discovery in history and literature, as in geography, art and science, is, in fact, synonymous with the age of research. There is no obscure point of history the elucidation of which is not in the present day the object of the untiring efforts of many minds; there is no memory of any note which scores of biographers are not striving to re-edify and set up in its integrity before the public. Old documents must be worthless indeed to be considered as waste paper in our time. Governments print their state records, families publish their domestic annals, and lastly—though not the least important feature in this case—the love of autographs has become a reigning passion. The commercial value of collections of this kind has enlisted even cupidity in the interests of learning;

and materials for history—even when chance throws them into the hands of the ignorant or the indifferent—soon find their way to the portfolio of the collector, or, at any rate, to the table of the auctioneer.

These several agencies working towards the same end have not, however, produced results quite so startling as some fanciful historians would have us to believe. With very rare exceptions, the minutest researches of modern investigators have left the most prominent characters of history in very much the same position, as regards public estimation, that they occupied in less inquiring times on the mere strength of tradition and popular instinct. To some few, posterity may indeed have said, 'Friend, go up higher;' some others, again, may have been consigned to a lower place: but, in general, it has been found that everybody—that same everybody who is said to be more witty than Voltaire—after a certain lapse of time judges pretty fairly.

But this remark holds good only in respect to wholesale appreciations of character and general estimates of worth; for if we apply ourselves to the minute study of individual minds, if we indulge in psychological analysis—to use a favourite phrase of modern criticism—we are surprised to find how much light may be thrown by one or two familiar letters, or even by a few lines reinstated in their proper place in a carefully-collated manuscript. To go no farther than the example we have before us, the curious conjunction of the discovery of some interesting unpublished letters of Madame Roland, and the simultaneous appearance of two new editions of her Memoirs carefully revised on the original text, justifies us, we think, by the new insight we have obtained into her character, in devoting a few pages to that most extraordinary woman—extraordinary even for the wonderful times she lived in. The new matter which her last editors have furnished leaves her pre-eminent station as one of the heroines of the French Revolution and her rank as a political character unassailed, but the opinion of many readers in respect of the woman may, we think, be modified. Before speaking of Madame Roland herself, we must, however, say a few words of her editors, and more especially of the two last whose names stand at the head of this article. In the present case, the history of the book is almost as curious, in its way, as the history of the writer.

Long before either M. Faugère or M. Dauban were born, the public had every reason to suppose that it was in possession of the authentic and complete Memoirs of Madame Roland. In 1795, two years after she had died on the scaffold,

the first edition of the Private Memoirs and of the Historical Notes written during her captivity for the defence of M. Roland's, and we may add, of her own political conduct, was published under the title of 'An Appeal to impartial Posterity.' The editor was Bosc, an old and tried friend, and the work was sold for the benefit of Madame Roland's only daughter Eudora, who, the editor says in his preface, 'had been 'deprived of her father's and mother's fortune.' Bosc, who had been 'Administrateur des Postes' under the first Ministry of Roland, had known Madame Roland before her marriage, and during many years, from 1782 to 1791, had kept up a familiar correspondence with her, some interesting fragments of which have been preserved. She had from time to time confided to his care the manuscripts composed in her prison. It was a dangerous trust, and Bosc, in the anticipation of domiciliary visits, kept them for many months in the hollow of a rock in the forest of Montmorency, where he had himself taken refuge. Unmindful of personal danger, he continued to visit his friend in her prison so long as any intercourse with the outer world was permitted to her. When the day of execution came, Bosc, though himself a marked man and easily recognised by his tall stature, walked beside the fatal cart and stood at the foot of the scaffold till all was over. He took under his protection Roland's orphan daughter, and on the first faint reappearance of liberty published, as we have said, her mother's writings. Such an editor should have been trustworthy, yet, with the best intentions, Bosc gave but a garbled version. Not to speak of his trifling literary corrections which were sometimes far from felicitous, he struck out many passages which he deemed too severe towards living political personages, others again that might give pain to Madame Roland's daughter and surviving friends, and lastly several pages which he judged, not without reason, injurious to the memory of his friend by their coarseness and offensive indecency. In a word, his work conveyed a very incomplete notion of Madame Roland as a woman, though it proved her power as a writer and her sincerity as a patriot. This publication was, however, received at the time with intense interest, and we remember that Mr. Fox mentions in one of his letters that he had sate up the greater part of one night at Holkham to read it.

The next editor was M. Champagneux in 1800. Champagneux's son had married Madame Roland's daughter, and the motives which had actuated Bosc in his suppressions weighed still more strongly with his successor. As before, all traces of the unlawful and ill-starred love which it had

evidently been the intention of Madame Roland to relate fully to the world, had her life been spared, were carefully erased. That fashion of cynical self-dissection which Jean-Jacques had introduced, and which was so likely to lead astray a mind as fearlessly sincere as that of Madame Roland, rarely finds favour with surviving relatives and friends.* The real value of the Champagneux edition consisted in some letters addressed to the editor, the account of a journey to England in 1784, and of another to Switzerland, and more especially in a selection from Madame Roland's juvenile writings, which had never been intended for publication. These are, in general, emphatic and declamatory in style, according to the fashion of the times, singularly ambitious as regards the choice of subjects for so young a writer, but indicative of extensive reading, and of no common grasp of mind. Above all, they are interesting as showing the remarkable consistency of character and views of the author. What Madame Roland was when she died at nine-and-thirty, Marie Phlipon was at eighteen; and the Minister's wife, the political leader, the soul and life of the heroic Gironde, did no more than realise the ambition and follow out the line of conduct pedantically set forth by the obscure engraver's daughter in her girlish compositions.

The numerous editions of the Memoirs which have succeeded each other during more than sixty years have perseveringly

* Other less justifiable sacrifices were made to the feelings of the times. As some English readers may be curious to know what sort of expressions were deemed objectionable by a French editor in the year VIII of the Republic (1800), we will give an example of M. Champagneux's corrections. Madame Roland ended the last page of her Memoirs—or rather we should say the sketch of what she intended to write in her Memoirs, if she had lived—with this characteristic exclamation: '. . . . Je ne sais plus conduire la plume au 'milieu des horreurs qui déchirent ma patrie; je ne puis vivre sur 'ses ruines, j'aime mieux m'y ensevelir. Nature, ouvre ton sein! '*Dieu juste, reçois-moi!*' It will scarcely be believed that the words we have written in italics were effaced by the editor! Evidently the Supreme Being whose existence had been decreed by Robespierre, and who was officially reinstated in honour by the First Consul, was not generally acknowledged in 1800, and it was thought possible that Madame Roland's invocation might be considered superstitious and injure her in public opinion. Such suppressions seem the more curious when they are contrasted with the many offensive passages which were retained, the publication of which seems excusable only if it can be ascribed to a scrupulous and unquestioning respect for the original text.

reproduced the omissions and errors of the two first, for the original manuscripts remained in the keeping of Madame Roland's daughter, and could not be referred to. In 1835 a most valuable addition was made to the stock of information respecting Madame Roland, in the shape of a volume of letters addressed by her to Bancal des Issarts, a member of the Convention, and edited by his daughter with an introductory notice by M. Sainte-Beuve. These letters embrace a period (from 1790 to 1792) of which the Memoirs give but a scanty account, and are very valuable.

In 1841 two more volumes of letters addressed by Marie Phlipon, before her marriage with M. Roland, to Mademoiselles Cannet, the friends of her youth, were published by M. Breuil. This correspondence extends over a space of eight years (1772 to 1780). It was begun when Marie Phlipon was eighteen, and only terminated on the eve of her marriage. These youthful letters are not only interesting from the glimpses they give of *bourgeois* life in France before the Revolution, they are also curious from affording new proof of the difficulty which even the most truthful writer feels in recalling and setting down the impressions of the past without colouring them involuntarily with the hue of present feelings. The circumstances and sentiments which Madame Roland paints from memory in her—most certainly sincere—Memoirs, are related day by day and, so to speak, taken in the fact in her voluminous correspondence; and though we may not detect any important discrepancies, or wilful distortions, there is undoubtedly a notable difference between the aspect of the same things as they are shown in the two versions. Can the man of whom she disposes so cavalierly in a few lines of her Memoirs be the same hero about whom she poured out long pages of youthful rapture to Sophie Cannet—the only man that she could ever love? Can the engraver's shop which her father's carelessness and misconduct brought to ruin, can that home of which she paints so feelingly to her friend the vulgarities and narrow troubles, be the same of which she speaks so loftily in the opening sentence of her Memoirs as the abode of an artist, where 'in the bosom of the fine arts, and feeding on the charms of 'study, she passed her youth, recognising no other superiority 'than that of merit, no greatness save that of virtue?' Alas! that Memory—the trusted depositary of past feelings—should so often prove faithless, and play such conjuror's tricks before the most vigilant eyes! Alas! that the testimony of man, given in his own cause, before the tribunal of his own conscience, should be so little worthy of reliance after a few brief years!

No writer, however, was more excusable than Madame Roland in falling into this common error, and the gloomy prison from which her Memoirs were dated might well create a mirage in favour of the past. We must be understood merely to say that without her letters Madame Roland would be imperfectly known, and that with their help, and that of her incomparable Memoirs, her whole character stands completely revealed. She was, as we have said, an abundant letter-writer, and—what is more important to posterity—a sincere and confiding correspondent. La Rochefoucauld's rule of distrust never obtained with her, and she treated her friends, while friendship lasted, as though they never could become her foes. A good and generous rule! Madame Roland lived to see the dangers attendant on its indiscriminate application, but she never repented of it or ceased to practise it. Hence the great value of her correspondence, not only as regards her own life, but as a perpetual commentary on the passions and views of the political party to which she belonged.

One part of her history, however, had hitherto remained obscure. Contemporaries had asserted that among the brilliant and ardent Girondists who sought inspiration from her presence and counsel, there was one to whom she had given her love. In spite of the careful erasures of her editors, one or two passages of the Memoirs afforded strong confirmation of this tradition. She had spoken of the passions '*dont à peine, avec la* '*vigueur d'un athlète, je sauve l'âge mûr.*' Who was this lover? Some named the handsome Barbaroux, the Antinous of Marseilles, others suggested Buzot. It seemed probable that the mystery would never be cleared up. As a woman, a wife, and a mother, it was scarcely to be supposed that Madame Roland would have wished to raise the veil herself; yet, we have now proof that she intended to give a full account of the birth, the sorrows, and the struggles of the passion that filled her heart even on the steps of the scaffold, and to which almost her last thoughts were given. In an unpublished letter addressed to a friend a few days before her death she wrote, in allusion to her Memoirs: —

'I know that I am lost; but for that belief, I would not take the trouble to confess. . . . I have weighed it all, and have made up my mind; I will tell everything,—absolutely everything. It is the only way of being useful. . . . I appreciate the feeling which prompts you to desire that my secret should never be divulged. But I may no longer remain silent. It is known . . . it has been misrepresented, I have been calumniated.'

Death left no time for writing these confessions, but Fate had

strangely ordained that her last wish should nevertheless be partly fulfilled. Seventy years after the strong impassioned heart had ceased to beat, four old letters rescued from the wreck of revolutions—letters which the most austere moralist cannot read without pity and, we dare add, without some admiration—have come to light, bearing witness to her love for Buzot, and also to the firm will which kept passion within bounds. Her's was a strange love with which patriotism and political sympathies were inseparably interwoven, a love befitting such a woman and such times. The letters given by M. Dauban are but the last fragmentary chapters of a drama of which the previous history can only be guessed, but they suffice to convey a vivid impression of the hidden griefs which were superadded to the well-known sorrows and trials of the last months of Madame Roland's life. Her love for Buzot seems like some strong gulf-stream of the heart which poured its heated waters into the wide ocean of revolutionary strife, and whose warm current can still be traced, even in the midst of the stormy waves with which it mingled.

These letters to Buzot, which form the principal interest of M. Dauban's volume, were discovered in a most unexpected manner. Had a novelist invented such a mode of accounting for the possession of a manuscript, he would be set down as a very clumsy contriver of fiction. About twelvemonths ago a young man entered the shop of a bookseller on the Quai Voltaire, and offered for sale a bundle of old papers which he had found, he said, at the bottom of a trunk, where his father, an amateur of old books and autographs, had left them. After some hesitation on the part of the bookseller, the whole lot was purchased for fifty francs. Within a month after the bargain was concluded, a sale of autographs was announced in which the documents thus mysteriously sold formed the most conspicuous items. They consisted of the letters above mentioned, a last letter from Buzot to his friend Jérome Le Tellier, some unpublished memoirs of Louvet and of Pétion, a tragedy by Salles the Girondist, various notes and remarks in the handwriting of Barbaroux, and other papers, all having some connexion with the members of the Girondist party.* No clue has

* Salles' tragedy, entitled 'Charlotte Corday,' has been recently printed. It is written in the declamatory, pompous style of the old tragic muse of France. There can be no more striking instance of the theatrical temper of those times than the fact that a proscribed fugitive, hiding for life, and with all the blood-hounds of terrorism in hot pursuit, should have thought of writing a tragedy in verse in honour of the heroine whose bloody deed and death, when he wrote, were, so to speak, things of yesterday.

been obtained as to the manner in which this collection came into the same hands. With the exception of Louvet, all those whose literary remains have thus been discovered died a violent death on the scaffold or by their own hand, and their papers most probably fell into the possession of their enemies, who were not likely, when better days came, to boast of their ill-gotten treasures. Be that as it may, the authenticity of Madame Roland's letters, with which alone we are dealing, is undoubted. If the fac-simile of her well-known handwriting which M. Dauban gives were not convincing proof, there is abundant internal evidence in the documents themselves.

A few months before the discovery of these papers, chance had thrown in the way of an indefatigable investigator in the field of French revolutionary history, a relic which corroborates the tale of passion told by the letters to Buzot. M. Vatel, to whom the public is indebted for an interesting work entitled 'Documents historiques sur Charlotte Corday,' noticed one day in a poor shop in one of the suburban markets of Paris, a small, much damaged oval picture which lay on the floor in the midst of a heap of vegetables. It proved to be the portrait of Buzot. The glass which had protected the painting was gone, and between the picture and the piece of cardboard to which it had been affixed, lay hidden two small sheets of paper. They were closely covered on both sides with writing, which was soon recognised as being that of Madame Roland. They contained a short biography and an eulogium of Buzot, and concluded with a prediction that 'posterity would one day treasure his 'portrait among those of the generous friends of Liberty who 'believed in virtue, dared to inoculate it as the sole basis of 'a Republic, and had the strength to practise it themselves.' There can be no doubt that this portrait was the same that Madame Roland had with her in her prison up to the day of her death, and from which she had intended to part at the last moment in order that it might not be profaned by the hands of the executioner. It would seem as though that last tribute of esteem and admiration, secretly inscribed on the loved image, had by some mysterious spell preserved it from destruction.

M. Dauban, in the volume he has entitled 'Étude sur 'Madame Roland,' has given, besides the newly-found letters and an engraving of Buzot's portrait, a sketch of Madame Roland's life and times, the materials of which are for the most part derived from the various sources we have enumerated. His work is not planned with sufficient method, his style is too discursive, and the narrative is at times disconnected and confused; nevertheless, the matter he has to deal with is so

interesting, and he has been at so much pains to gather information from all quarters, that he has produced a very readable volume in which nothing is omitted that can throw light on the life of his heroine.

In some of M. Dauban's conclusions we cannot concur. There is a very numerous class of French historians who, either from motives of mistaken patriotism or from a vain desire of conciliation, seek to envelop in one common halo all the actors of the French Revolution, from Lafayette and Mirabeau down to Saint-Just and Billaud-Varennes. M. Dauban does not go so far, but he considers that contemporary Frenchmen 'who live in the peaceful enjoyment of civil liberties which no 'revolution can henceforward assail,' and which have been purchased by so much bloodshed, cannot without ingratitude curse the memory of any of the combatants in the great revolutionary battle. We cannot admit such reasoning. Bad acts have often been the indirect means of bringing about very good results, but they can claim no absolution on that account. Towns have been destroyed by fire and been rebuilt on a better plan, and, in consequence, health and cleanliness have been established where filth and periodical pestilence reigned before; yet who would think, on that account, of glorifying an incendiary? But even this plea does not hold good in respect of the worst actors in the French Revolution. The civil liberties with which modern France is fain to rest content were secured long before the differences which even now divide the partisans of a liberal democracy and the fanatics of democratic absolutism became apparent; whereas the political liberties for which the descendants of Girondists and Montagnards are alike vainly striving at the present day were forfeited—it would be difficult to say for how many generations—by the very men whose bloody dictatorship it is the fashion of modern historians to absolve.

Almost all those who figured prominently in the great French Revolution died in turn on the scaffold, and it should be added that almost all met death with firmness, but they were sacrificed —to use a trivial expression—in batches, and the date of their immolation may, almost without exception, serve to class them in the respect of posterity. Some, like the Girondists, died because they would not kill, because they protested against the execution of the king, the prison massacres, and the direct rule of an imbecile and infuriated mob, whereas the victims of the latter days, the vanquished Montagnards, fell in a desperate struggle for hideous pre-eminence, after having sacrificed to the desire of preserving life and power whole hecatombs, not only of their adversaries, but of their friends and accomplices. To

confound these two groups of victims in one common apotheosis, from gratitude for the very doubtful benefits of their joint inheritance, or even to extend to them one common absolution on the plea of that fatality which (to use a favourite simile of indulgent historians) forced onward, Juggernaut-like, the car of the Revolution—to confound, we say, principles and men who morally lie as far asunder as the poles, is an insult to the conscience of mankind.*

The volume which contains Madame Roland's Memoirs has been edited with care by M. Dauban. Some few inaccuracies and omissions there are, but they are too trifling to be worth mentioning where so much labour has been expended. A fac-simile of several autograph passages adds a touching interest. The bold writing with scarcely one erasure tells its own tale of undaunted courage and self-possession. When one remembers that the Memoirs were composed in prison, in the space of three weeks, and the political fragments entitled 'Notices historiques' in less than a month, that the coarse grey paper on which they are written was obtained through the connivance of a turnkey, and often blotted with womanly tears as the recollection of country, husband, child and friends assailed her, then the grace with which happier days are described, the clearness of her political defence, and the truthful vigour of her portraits, strike one with admiration in spite of all blemishes. Even the bold flourish which follows the last word, and which seems a defiance of the cruel fate that wrests the pen from her

* An indignant and eloquent protest against this system of making usefulness a set-off against crime is to be found in the chapter which one of the ablest and most earnest of modern French writers, M. Lanfrey, has devoted to Carnot in a volume entitled 'Études et 'Portraits politiques.' We have rarely seen an historical character more powerfully arraigned. The services rendered by Carnot in organising the armies of the republic can scarcely be overrated, but even they should not release his memory from the fearful 'solidarity' he accepted as a member of the Committee of Public Safety.

M. Lanfrey's writings deserve to be better known than they are in this country, and his 'Essai sur la Révolution Française' especially, is one of the most remarkable works to which that inexhaustible theme has given birth. The eminent political writers of France belong, almost without exception, to the past, and it is consolatory for those who take an interest in her future welfare to find among the new generation—in whose hands her fate must ultimately rest—a writer who places a singularly-gifted pen at the service of principles and views which, in the best sense of the word, and even on this side of the Channel, may be termed strictly liberal.

hand, has its eloquence. Such authorship must not be judged by the ordinary rules of criticism.

M. Faugère's edition is just what his previous labours as the editor of Pascal's 'Pensées' led us to expect—a most carefully-executed task. He has attempted no biography of Madame Roland, and is content to preface her works with a few introductory pages. But he has added an appendix and a great many valuable notes which serve to elucidate the text, and which, although they are not the equivalent of M. Dauban's separate work, are perhaps more convenient for the reader.

One remark we must make, which applies with equal force to both editors. They have printed all that Madame Roland wrote, and the result is, that the Memoirs, as they now stand, are quite unfit for family reading, or even to lie on the table of any decent woman. Even in the first edition there was much that was strange coming from the pen of a woman, but the offence is now considerably aggravated. That a woman who prided herself on her virtue, whose conduct—externally at least—was exemplary, and whose mind was occupied with the most lofty thoughts, should, with the scaffold before her eyes, pen complacently whole pages of filthy anecdote and offensive confessions is surprising enough, but that respectable editors in the present day should offer such food to their readers is perhaps more surprising still.* It is a very great pity that a work which contains so much that is interesting, ennobling, and instructive should be thus polluted.

In justice to both editors we will make room for their defence. M. Dauban takes his stand boldly on the ground of principle, and asserts that the claims of Truth are paramount. He affirms that it is not lawful to mutilate the *subject* which is self-placed on the 'dissecting-table for the instruction of mankind.' He does not admit that it is allowable to defend the memory of the illustrious dead against their very selves by dissembling their infirmities, faults, vices, or deformities. It may be, he says, that the passage that is struck out is the very one that would have instructed, warned, or guarded the reader from danger.

M. Faugère speaks more doubtfully. He confesses that his first intention was to suppress the obnoxious pages, but that,

* The contrast between Madame Roland's life and the occasional coarseness of her style in her Memoirs had induced several writers to doubt the authenticity of her Memoirs. M. Villaumé, for instance, in his 'Histoire de la Révolution,' and MM. Buchez and Roux in their 'Histoire Parlementaire de la Révolution,' pronounced them apocryphal. But no doubt can exist in the present day.

on reflection, 'considering the general curiosity and *realistic* 'tendencies of the present day,' he had not thought it possible that they could long remain hidden from the public as the manuscripts were deposited at the Bibliothèque Impériale. With all deference for M. Faugère, we must say that his competitor's plea, though insufficient, is by far the best. It is no reason for doing what our better judgment reprobates, that, if we will not do it, somebody else may.

As regards Madame Roland herself, there can be no difficulty in tracing her want of good taste and feminine delicacy to their true origin: the baneful influence of Rousseau. Her admiration of him was unbounded, and it must be evident to every reader that the example of the Confessions was constantly before her eyes while writing her own Memoirs. Imitation — the natural result of excessive admiration — often obscures the brilliancy of her original genius, and though she remains invariably sincere, she is too rarely thoroughly natural. In her younger days, before her innate good sense and clear judgment had been brought into sharp collision with men and things, Rousseau's influence was discernible in all her political opinions—in her enthusiasm for liberty, but still more in her impatient bitterness at the sight of social inequalities, which has been often unjustly construed into low-born envy.

Yet, had it been given to her to understand the practical results of Rousseau's theories, she would have seen that the axe by which she and so many of true lovers of liberty were to die, had been whetted—so to speak—on the doctrines of Rousseau. Any such clear comprehension of the relations of cause and effect is, however, rarely vouchsafed to contemporaries. Madame Roland died unshaken in her allegiance to Jean-Jacques while hating Robespierre, though Robespierre was but the embodiment of the 'Contrat Social,'—the very incarnation of Rousseau's utopian dreams. That Rousseau himself considered his own social theories as inapplicable to any modern nation, is evident if we compare them to the form of a constitution he drew up for Poland; but by a just and avenging law of Providence, it is decreed that the great misleaders of mankind shall be punished in their fame and memory by a literal application of their paradoxes under the direction of some narrow-minded disciple. There is not one of Robespierre's tyrannical notions, which has not its root in some metaphysical disquisition of the 'Emile,' or some abstract dogma of the 'Contrat Social.' Cruelty, however, has the effect of throwing absurdity into the background, and terror effectually destroys the sense of ridicule: consequently Robespierre and Saint-Just were not ridiculous,

even in their senseless declamations, and it was reserved to the Communist Babœuf to precipitate—if we may use the expression—all the elements of folly contained in the doctrines of Rousseau, and make them fully apparent. But it would lead us far from our subject if we were to attempt to trace the influence of Rousseau in all its workings. Who that has studied either the politics or the literature of modern France, has not found its pernicious effects facing him at every turn?

Madame Roland's mind and character had been formed, however, in a great degree, by other masters before she read Rousseau, and a rapid glance over her early life is requisite to make them clearly understood. 'Comprendre c'est pardonner,' Madame de Staël most truly said. To understand is to forgive, and in no instance can knowledge and indulgence be more intimately connected than in judging Madame Roland.

Marie-Jeanne Phlipon, or, as she was generally called in her early days, Manon Phlipon, was born in Paris on the 18th of March, 1754. Her father, Gatien Phlipon, though he styled himself a master-engraver, was, in reality, a better sort of artisan rather than an artist. He worked for jewellers and engraved watch-cases, rings and trinkets of all kinds. He appears to have been an honest man, with tastes and acquirements above his station, but weak, vain, and speculative. His wish to get rich without working, resulted, at last, in ruin for himself and his daughter. Madame Roland, in her Memoirs, keeps her father as much as possible in the background, while she dwells with complacent tenderness on the beauty, virtue, sense, and gentle unassuming dignity of her mother. Both parents appear to have been most indulgent to their only child, and to have left her completely free to follow the bent of her own inclinations.

Manon's inclinations led her to devour every book she could lay her hands on. The Old and the New Testament and catechisms of every sort and size were her first readings, and she paints herself at six years old, standing before an old friend of her father's, and leaning her little elbows upon his knees, while she repeated the Athanasian Creed in exchange for some fairy tale. Her parents' small collection of books was soon exhausted, and the Lives of the Saints, an old translation of Appian, Scarron's Roman Comique, and Mademoiselle de Montpensier's Memoirs were read over and over again. A treatise on Heraldry, which fell into the little girl's hands, was studied with avidity, and a volume on the 'Law of Contracts' was attempted, but this proved too indigestible even for her insatiable appetite. Her zeal for learning was untiring. 'When everyone was still

'asleep in the house,' she writes in her Memoirs, 'I used to 'slip on my little jacket, and glide stealthily, barefooted, to a 'little table in a corner of my mother's room where my books 'were. Then I would write out my exercises and con over 'my lessons with such earnestness that I made great progress.' At the same time an uncle undertook to teach her Latin; dancing and music masters were given to Manon, and no pains were spared to develop the talents which nature had so liberally bestowed.

This education, which seems singular enough for the daughter of a tradesman more than a hundred years ago, did not exempt Manon from household duties. 'The little girl,' she writes, 'who used to appear on Sundays and at the public promenades 'dressed as though she had got down from a coach, and whose 'manners and language quite agreed with her appearance, used 'to go to market with her mother on week-days, dressed in a 'little cotton frock, and would sometimes run out quite alone 'to buy parsley or a salad which the housewife had forgotten;' and a few lines further on, she adds, with characteristic pride: 'In no situation am I out of place; I could make my soup as 'cleverly as Philopœmen cut his wood, but nobody, seeing me, 'would imagine that it were proper to lay such duties upon 'me.'

Other sources of information, besides the family bookshelves, were soon got at, and books were borrowed and bought for Manon with very little discretion, it would appear, in the choice of them. Tasso, Fénélon, and Locke were not perhaps objectionable, but one would scarcely expect to find Voltaire's 'Candide' in such very young hands. Madame Phlipon appears to have let her little daughter read whatever she liked, and Madame Roland, in her Memoirs, after this mention of 'Candide,' adds: 'However, no immoral book ever came into 'my hands.' On another occasion she speaks of 'Faublas' as a 'pretty novel.'

But of all the books which she read none seems to have had so much influence on her mind as Plutarch. Thirty years afterwards, while awaiting in prison her sentence of death, she remembered the exact date of her first acquaintance with Plutarch, and mentions that during Lent, in 1773, being then nine years old, she managed to take her 'Lives' with her to church instead of her mass-book. From Plutarch she seems to have first imbibed her republican spirit, her earnest desire for the general good, and that almost unwomanly ambition of the approbation of posterity which henceforward were to distinguish her. We say unwomanly, for though most women desire to

stand well in the esteem of their contemporaries, very few, we fancy, think much of posthumous fame.

When Marie Phlipon was little more than eleven, she appears to have gone through that phase of religious fervour which so frequently occurs in the life of young Catholic girls at the time of their first communion. Manon felt that she must needs leave father and mother and retire into religious solitude to prepare herself for this important act. She sighed with regret in thinking 'of those days when pagan fury gave to 'generous Christians the crown of martyrdom.' Finally, she threw herself at her mother's feet and requested to go into a convent. As her wish was law, she was sent for one year to the convent of the Dames de la Congrégation, situated, as she herself remarked, not far from that prison of Ste. Pélagie in which she was writing her reminiscences of youth. Madame Roland has left a charming description of her cloister life during that twelvemonth. Among other things, she tells us that her religious enthusiasm was such on the occasion of her first communion, that she was obliged to be assisted to the altar by two nuns, as her tottering limbs refused to support her.

These early emotions, these first teachings, left an indelible impression. The materialist influence of the age, her extensive controversial readings, and the rebellious promptings of an inquiring mind which could not passively accept an imposed creed, concurred to shake Marie Phlipon's faith; but even in her unbelief she was always very different from the common sceptics of her day. A characteristic passage of her Memoirs, in which contempt and a lingering love for the once-venerated ceremonies of the Church are strangely mingled, will illustrate our meaning: —

'Philosophy has dispelled the delusions of a vain belief; but it has not destroyed the effects of certain objects on my senses, or their association with the ideas and feelings that they were wont to beget. I can still attend with interest the celebration of divine worship, when it is conducted with dignity. I forget the quackery of priests, their ridiculous fables, and their absurd mysteries; I only see a few weak men gathered together to implore the help of a Supreme Being. The woes of mankind, the consoling hope of an all-powerful Remunerator, occupy my thoughts; all other fancies vanish, passion is hushed, the sense of duty is quickened; if music forms a part of the ceremony, I feel myself transported into another world, and I come out a better woman from the place where an imbecile crowd has assembled to worship senselessly a piece of bread.'

'Religion is like all other human institutions: it does not change the mind of a man, it assimilates with his nature, and is strong or weak according as he himself may be. The common herd thinks

little, believes on trust, and acts from instinct; and there exists, in consequence, a perpetual contradiction between received precepts and general behaviour. Minds of a stronger temper act differently; they feel the necessity of harmony, and their conduct is but the interpretation of their faith. During childhood I accepted the belief which was given to me, and kept it till I was of an age to question it; but even then all my actions were most rigorously deduced from that belief. I used to wonder at the thoughtlessness of those who, professing such a faith, could act in contradiction with it, even as at the present day I wonder indignantly at the cowardice of men who, wishing to have a country, yet hold their life of any account when they are called upon to risk it in their country's service.'

The best apology that can be offered for Madame Roland's failings and errors is contained in the above lines. Earnestness and sincerity were her redeeming virtues. Had she been one of the early Christians, she would not have shrunk from martyrdom, and we may rest assured that she could have died as cheerfully for her religious as for her political faith. No mean self-interest or self-indulgence lay at the root of her errors, and she sought to deceive neither herself or others.

During the many years which were to elapse between the happy convent days and that last hour on the Place de la Révolution, Marie Phlipon's religious feeling underwent great changes, but at no time can she be said to have lapsed into indifference. Her belief and her doubts were equally sincere. The wish to do right was ever uppermost with her. In a letter written to Sophie Cannet, in 1773, when scepticism had already made great inroads in her mind, she writes: 'Upright hearts, 'inclined to scepticism, are bound to practise the most severe and 'rigid virtue, from the fear of appearing in their own eyes to 'have shaken off the yoke from a guilty desire to yield without 'hinderance to their own inclinations.' An austere philosophy, it will be owned, for a girl of nineteen! When the day of misfortune came, when on all sides she saw crime triumphant, when hope was dead for her in this world, she clung more firmly than ever to her belief in the soul's immortality and her trust in a supreme justice beyond the grave. But her's was always a fluctuating religion of the feelings, the sentimental religion of Rousseau her master.

During her stay at the convent of the Dames de la Congrégation, Marie Phlipon conceived a great friendship for two sisters, Sophie and Henriette Cannet, who were her fellow-pupils, and when they returned to their home at Amiens, she began with Sophie, the younger of the two, the long and familiar correspondence of which we spoke in the first pages of this

article.* With the help of these letters and the Memoirs it is very easy to imagine the life of the future heroine up to the time of her marriage. Indiscriminate reading was once more resorted to, as well as study under every form. Geometry, poetry, the violin and guitar, theology, natural history, and literary composition filled up her days. At one time she writes to her friend Sophie: 'I have just read the Researches of 'M. de Paw on the Egyptians and Chinese. One of these 'days I will send you an extract. My brain boils like wax 'upon the fire. I am out of patience with the shortness of time, 'and long to be alone, no matter where, so that I could, for 'once, take my fill of work and thinking.' And again: 'I 'retire with delight to my little closet where Montaigne, 'Massillon, Bossuet, Rousseau, Fléchier, Helvétius, Voltaire, 'keep me company in turn.' No wonder that in such mixed company the young brain should boil like wax.

The letters are curiously didactic, considering the age of the writer, and her young correspondent must herself have been peculiarly gifted to have enjoyed them. One letter is filled with acute and judicious remarks on Delolme's work on the British Constitution, which had just been published; another begins thus: 'I cannot resist the temptation, my dear friend, 'of giving you some idea of the "Memorabilia" of Xenophon,' and she runs on to a dozen pages on Socrates. Marie Phlipon was, above all, a *raisonneuse:* she took nothing for granted, and theorised on all subjects—even on love. There was no romance in that young girl's head or heart. There were no gentle foreshadowings of love in her, and she thought and spoke of marriage like a pedagogue: —

'I see in marriage many cares which seem to be only compensated by the pleasure of giving to Society useful members. The pleasure, I think, outweighs the cares, but to enjoy it, I must find some one who holds the same opinion, and who, moreover, possesses the ability

* Roland, after his marriage with Mademoiselle Phlipon, showed an injudicious jealousy of his wife's friendship for the Cannets, and the intimacy ceased to a certain degree. It is likely that Madame Roland herself, when immersed in politics, formed more congenial friendships with persons of the other sex. Political differences contributed to the estrangement. 'Les différences de notre moral ont, 'avec l'éloignement et les affaires, relaché notre liaison sans la 'rompre,' wrote Madame Roland in her Memoirs. But when she was at the Conciergerie, Henriette, then a widow without children, obtained access to her friend, and offered her the means of escape by proposing to change clothes with her and remain in her stead in prison.

to bring up his children worthily. In regard to a husband, I must look out, as a man would do who, knowing the value of a good tutor, feels himself incapable of acting the part of one. I feel the necessity of a helpmate gifted with a superior mind, who can supply all that is wanting in me to educate my children as I should wish.'

In later days, Madame Roland wrote of love in the style of a physiologist; at no time did she speak of it like a true woman. In truth—and until the birth of that tardy love for Buzot—there was little of the woman in her. But all the masculine virtues were apparent even in girlhood. She seems herself to have felt that nature had committed some mistake in respect of her. 'If souls could choose the bodies they are to 'inhabit,' she writes to Sophie Cannet in 1774, 'mine would 'never have selected a weak and foolish sex, which is generally 'condemned to uselessness. My present passion is for the 'general good. Man is made for society; his first duty is to 'be useful.' And again: 'In very truth I am sick of being 'a woman. I ought to have had another soul or another sex, 'or else have lived in another age. I ought to have been a 'woman of Sparta or Rome, or at any rate a French *man*. '. . . . . I feel chained down to a condition which should 'not be mine. I am like those animals of burning Africa 'which are shut up in our menageries. . . . . O liberty! 'idol of energetic souls! sustainer of all virtues, thou art but a 'name for me! Of what avail is my enthusiasm for the public 'good, when I can do nothing to forward it?'

Although Marie Phlipon wrote a good deal at this period of her life, she never contemplated appearing as an author. Her only object was to become a more enlightened and worthy member of that society, to which, according to her rule, all private interests were to be sacrificed. Even at a later day, if her pen can be recognised in the greater part of the political documents published under her husband's name, if the broadsheets placarded on the walls of Paris at the most eventful crises, the ministerial circulars, the famous letter to the Pope addressed to the Prince-Bishop of Rome in the name of the Republic to claim the release of some French prisoners, and the still more famous letter to the King which undoubtedly hastened the downfall of monarchy in France, were all written by her, it was at the instigation of M. Roland. He found in his wife an indefatigable secretary with a clever and ready pen. He soon discovered, without, perhaps, quite acknowledging the fact to himself, that his literary success was in exact ratio to the part that she took in his work, and called in her willing help on all important occasions. Having once

admitted his wife to political partnership, it was to be expected that his very ordinary talents would soon be cast into shade by the brilliant genius of his helpmate.

But we are anticipating, and when we left Mademoiselle Phlipon, the great army of her suitors was only about to make its appearance. Masculine though she was in mind and character, she possessed no small amount of feminine charms, and was, moreover, the only daughter of a man at the head of a flourishing business. These united attractions seem to have been very powerful, if we may believe the long list which, with no small complacency, she gives in her Memoirs. It was a general rising of bachelors, 'une levée en masse,' to use her own expression. We have no intention of reviewing them with her. But one remark is suggested by the heterogeneous assemblage of their names. It is surprising to see how very ill-defined was the social status of a small tradesman's daughter in France some years before the great Revolution. Among the suitors for Marie Phlipon's hand we find M. Morizot de Rozain, a man of noble birth, who is refused on account of his attaching too much importance to his nobility, M. de Boismorel, both rich and noble, who would fain have secured the little *bourgeoise* as a wife for his son, Gardanne, a physician in good practice, several men of letters, a captain of Sepoys, a dancing-master, and lastly, tradesmen of every degree, including the butcher with whom the family dealt. We are apt to fancy that France, under the old *régime*, was inexorably ruled by the laws of caste. In theory it was so, both politically and socially, yet we need only read the private memoirs of the times to see that, in reality, there was a great confusion of ranks before any popular outbreak took place. Merit could not secure title and precedence, but wealth and intrigue could. Innumerable offices which could be purchased with money and obtained by favour conferred the rank of nobles upon their holders, while, on the other hand, the younger branches of the hereditary nobility, from their poverty and their contempt for any other profession than the army or the Church, were often reduced to live by their wits and to coin money, by fair means or foul, out of the only patrimony they possessed—their aristocratic names. Nothing could be more calculated than these circumstances to bring the nobility into contempt. During the half century which preceded the Revolution, France swarmed with adventurers of all ranks. Versailles itself was infested with them.

Madame Roland, at heart, was no plebeian democrat. In 1784, she solicited for her husband a patent of nobility. It is

true, that at one time, she and her friends, with the unscrupulousness of political animosity, used the power of the populace to batter down the throne—a cruel fault most cruelly avenged—but, in reality, she always loathed that dangerous alliance. It is impossible not to discern the sense of relief she experienced when, at last, the Girondists turned round, and resolutely faced the revolutionary mob. She is on her own ground then. All ambiguity of tone disappears, and her eloquence rises to its full height only when she denounces the tyranny of demagogues and the brutal stupidity of the populace. Her vehement protestations in early life in favour of equality merely show her personal impatience of all social superiority. In general, women chafe more than men under these petty humiliations, and in this respect she appears to have been a very woman. The remembrance of petty mortifications endured in her youth was so vivid even under far greater trials, that, in her prison, with but a few short weeks for the narrative of her life, she devotes whole pages to the recital of these trifling wrongs. A visit to Versailles, when about twenty, had especially left a lasting impression. The splendours of the court at once disgusted and irritated the already republican little *bourgeoise*. In a letter written to Sophie Cannet, on her return home, she says, almost prophetically:—

'I cannot tell you how much all I have seen at Versailles makes me feel the advantage of my situation, and how I bless Heaven for causing me to be born in an obscure rank of life. You may perhaps fancy that this feeling originates in contempt for the deference of the world and my notion of the ills to which greatness is subject? Not a whit; it is founded on the knowledge that I have of my own character, which would render me noxious to myself and to the state if I were placed in the vicinity of the throne, for I should then be offended at the sight of the excessive inequality which rank creates between several millions of men and a single individual of the same species. In my situation, I love my prince, because I scarcely feel my dependence. If I were near him, I should hate his grandeur.'

Fate was one day to place Marie Phlipon in close proximity to the throne at a period when it was most endangered, and God knows how much mischief she did, and how sincerely she did hate the grandeur of royalty!

Her's was the pride of intellect—as unjustifiable perhaps in its harsh manifestations as any other pride; and she looked on the unenlightened and the uneducated with as much disdain as any aristocrat could have shown to the unwashed plebeian multitude. The notion of marrying a tradesman seemed to her monstrous. Trade, in her eyes, was only the art of selling dear

what had been bought cheap. To her father, when he proposed to her a husband in his own line of business, she replied that to sell diamonds or to sell hot-pies seemed to her one and the same thing; that indeed the latter offered this advantage that they were sold at a fixed price, so that less cheating was required. Manon Phlipon had determined that she would marry a sage and a philosopher. Fortune, after some disappointments, sent her the desired husband in the person of Roland de la Platière.

M. Roland had been introduced by Sophie Cannet, who in her letter of recommendation described him as 'a man of enlightened mind and pure morals, whose only fault was an excessive admiration for the ancients, whom he praised at the expense of the moderns, and an over-fondness for talking of himself.' After Roland became a political personage this propensity to bring himself constantly before the public was very marked. Madame Roland admits in her Memoirs that Sophie's sketch was like, and adds that Roland when she first saw him was past forty, tall, thin, and somewhat bald, with a rather yellow complexion. He was careless of his dress, and had the peculiar stiffness which is the result of long sedentary labour. His features, though straight and regular, were 'plus respectables que séduisants.' On the other hand, he had an expressive smile and a clever and animated countenance. 'The voice was deep, but he spoke curtly, as though he were short of breath; and his speech, though it did not want piquancy, was generally inharmonious and harsh.' On the whole, the portrait is not that of a man who was likely to fascinate a young and ardent girl. But then we must remember that it was traced by Madame Roland after thirteen years of marriage. Roland de la Platière, however, possessed advantages to which our heroine was disposed to attach importance. He was of good birth, a man of the world, well-informed, and much respected. The deference with which he treated the obscure engraver's daughter was intensely flattering—and the more likely to make a favourable impression that she was at that time sad and lonely, having lost her mother the year before. Marie Phlipon was a good listener, and won Roland's heart as much by that quality perhaps as by her talents and beauty. He did not, at first, entertain any ideas of either love or matrimony; however, had he been bent on captivating he could not have imagined a better plan than that of confiding his numerous manuscripts to the care of Manon, on leaving Paris for Italy.

Delighted and honoured by the trust reposed in her, she

read and re-read them during the eighteen months that absence lasted. On his return they became great friends, though their friendship seemed scarcely of that kind which ripens into love, if the following lines may be trusted:—

'Sa gravité, ses mœurs, ses habitudes toutes consacrées au travail, me le faisait considérer, pour ainsi dire, sans sexe, comme un philosophe qui n'existait que par la raison.'

The philosopher took five years to consider before he offered his hand and heart, and when he did so, he was refused by Monsieur Phlipon, who had felt himself aggrieved by Roland's authoritative and distant manners.

But in the meantime the once prosperous home was becoming every day more wretched, and Marie Phlipon had determined to remove from it. Her father's dissipated and idle habits had caused his business to go to ruin, and the small means he had left were squandered with mistresses and in gambling in the lottery. At last, to avoid absolute beggary, Marie Phlipon took refuge in the same Convent of the Congrégation where she had spent that one happy year during her childhood.

She had lived alone in a little room in the attics for five long winter months, cheerful, active, and resigned, cooking her own meals, and awaiting happier times, when Roland came to pay her a visit, and, seeing her through the convent bars more beautiful than ever, renewed his offer of marriage. It was gratefully accepted. Marie Phlipon was at this time (1780) six and twenty, and her future husband more than twenty years older.

If ever marriage was a 'marriage of reason,' it was this. But she put great trust in reason, and never doubted but that hers would uphold her sufficiently. Always self-reliant, the very difficulties which the task of conjugal happiness seemed to offer were attractive in her eyes. 'If marriage,' she wrote, 'is as I always thought, an austere bond, an association in 'which the wife undertakes the happiness of both parties, was 'it not better to exert my faculties and my courage in the 'performance of that honourable task than to waste them in 'the isolation in which I lived?' Eight years before she had written almost in the same words to Sophie Cannet, to the effect that a wife is answerable for the happiness of *two* people, and 'should not reckon much on the help of her partner.' She was no twining, creeping vine, seeking support from man; she was, in her own eyes, a vigorous self-sufficing oak, which might brave, and even court, the storms of life.

How far she overrated her strength, and how mistaken she

was in not taking love into account, a page dated from her prison-cell of Ste. Pélagie, a month before her death, will show. It may as well find place here. We will not attempt to translate it, and in mercy and tenderness for Madame Roland's memory we will rob her defence of none of its specious graces of language.

'Je devins la femme d'un véritable homme de bien, qui m'aima toujours davantage à mesure qu'il me connut mieux. Mariée dans tout le sérieux de la raison, je ne trouvai rien qui m'en tirât; je me dévouai avec une plénitude plus enthousiaste que calculée. A force de ne considérer que la félicité de mon partenaire, je m'aperçus qu'il manquait quelque chose à la mienne. Je n'ai pas cessé un seul instant de voir dans mon mari l'un des hommes les plus estimables qui existent, et auquel je pouvais m'honorer d'appartenir; mais j'ai senti souvent qu'il manquait entre nous de parité, que l'ascendant d'un caractère dominateur, joint à celui de vingt ans de plus que moi, rendait de trop l'une de ces deux supériorités. Si nous vivions dans la solitude, j'avais des heures quelquefois pénibles à passer; si nous allions dans le monde, j'y étais aimée de gens dont je m'apercevais que quelques-uns pourraient trop me toucher: je me plongeai dans le travail avec mon mari, autre excès qui eut son inconvénient; je l'habituai à ne savoir se passer de moi pour rien au monde, ni dans aucun instant, et je me fatiguai.

'J'honore, je chéris mon mari comme une fille sensible adore un père vertueux à qui elle sacrifierait même son amant; mais j'ai trouvé l'homme qui pouvait être cet amant, et demeurant fidèle à mes devoirs, mon ingénuité n'a pas su cacher les sentiments que je leur soumettais. Mon mari, excessivement sensible, et d'affection et d'amour-propre, n'a pu supporter l'idée de la moindre altération dans son empire; son imagination s'est noircie; sa jalousie m'a irritée; le bonheur a fui loin de nous. Il m'adorait, je m'immolais à lui, et nous étions malheureux.

'Si j'étais libre, je suivrais partout ses pas pour adoucir ses chagrins et consoler sa vieillesse; une âme comme la mienne ne laisse point ses sacrifices imparfaits. Mais Roland s'aigrit à l'idée d'un sacrifice, et la connaissance une fois acquise que j'en fais un pour lui, renverse sa félicité; il souffre de le recevoir, et ne peut s'en passer.

'Le développement de tout ceci, et l'emploi des années qui l'ont précédé, offrirait de grandes lumières pour la connaissance du cœur humain, et de grandes leçons aux gens sensibles.'

Most readers will be struck by the frequent recurrence of the words 'virtue' and 'sensibility' under the pen of Madame Roland. The habit was not peculiar to her; it was the fashion of the times, and may perhaps be satisfactorily accounted for by the law of contrasts. There is scarcely a journal or a speech of the day, proceeding from friends or foes, in which the epithet 'virtuous' is not applied, seriously or ironically, to Roland.

Without that appellation he would scarcely have been recognised. Sensibility was quite as general as virtue; Marat and Robespierre spoke of theirs, and even Louis XVI., in his last testament, when thanking his courageous advocates for their aid, requested them to 'receive the expression of his sensibility.'

Our object being to paint the inner woman rather than the political personage in Madame Roland, we have dwelt at some length on the first years of her life, when her temper, mind, and opinions were formed. These once understood, her subsequent career seems but their natural consequence. Her enthusiasm, her errors, her violence, her devoted heroism, are all explained; all that was faulty will, we think, be extenuated. We shall pass more rapidly over the events that belong to History.

The first years of Madame Roland's married life were spent in peaceful quiet in Paris, and then at Amiens, where Roland held the situation of 'Inspector of Manufactories.' In this latter town she gave birth to a daughter.* Marie Phlipon would have been overjoyed at the thoughts of living at Amiens near her beloved Sophie, but Madame Roland appears to have left that town without any regret. In 1784 she came to Paris alone, in the hopes of obtaining for her husband, as we have said, *lettres de noblesse*, or rather the official recognition of the rank and privileges enjoyed by Roland's family for many generations in virtue of certain offices which conferred non-hereditary nobility. She has left an explanation of this inconsistent action

* This daughter, Eudora, was Madame Roland's only child. Like a true disciple of Jean-Jacques, Madame Roland insisted on nursing her infant herself, though at the risk of her life, and even wrote a compendious treatise on 'Suckling' for the future edification of her daughter. She formed many plans for her education and happiness, but, on the whole, Eudora seems to have played but a very secondary part in her mother's life. Madame Roland kept her eyes fixed on too distant an horizon to feel in its full force the tender 'short-sightedness' of a mother's love. In her Memoirs, she has devoted a few lines to her daughter which seem inexplicable in their unloving sincerity when one considers that the only child so harshly spoken of was but eleven years old, and that the mother could scarcely ever hope to see her again:—'J'ai une jeune fille aimable, 'mais que la nature a fait froide et indolente. Je l'ai nourrie, je l'ai 'élevée avec tout l'enthousiasme et la sollicitude de la maternité; je 'lui ai donné des exemples que l'on n'oublie plus à son âge, et elle 'sera une bonne femme avec quelques talents, mais jamais son âme 'stagnante et son esprit sans ressort ne donneront à mon cœur les 'douces jouissances qu'il s'était promises.' Such frankness may be virtue, but sensibility is certainly wanting.

in her Memoirs, and concludes thus: 'It was at the beginning 'of 1784: who at that time, and in the same situation, would 'not have thought it right to act in the same way?' No one, indeed, we are tempted to reply, save some such uncompromising republican as Madame Roland already was in theory.

Having failed in her object, she asked and obtained, as some sort of compensation, that Roland should be sent in his official capacity to Lyons. His duties were not arduous, and the greater part of the year was spent at the 'Clos La Platière,' Roland's small paternal estate, situated at a short distance from Villefranche. Madame Roland has left a very scanty account of this period of her life. She speaks of rural pleasures and domestic duties, but hints also at some domestic troubles. Roland's aged mother and eldest brother lived at La Platière, and Madame Roland alludes to the difficulty of living with a woman 'respectable from her age, but terrible from her 'temper,' and between two brothers, 'the younger of whom 'had the passion of independence, and the elder the habits and 'all the prejudices of domination.'

Her correspondence with her friend Bosc was at this time very active, but unfortunately most of the letters are lost. Some of those he published with his edition of the Memoirs read like charming idylls; others again might, from their grace and spirit, be attributed to Madame de Sévigné. The grandiloquence which is often so displeasing in the Memoirs is very rarely indulged in. The desire and earnest will to perform all her duties with cheerful zeal is evident in every page. Here and there, however, a note may be discerned which sounds like an unavowed wish for a more extended sphere of influence. In a letter full of playful yet true philosophy, on the subordinate part which women should be content to play, we find, for instance, this significant phrase:—'Faire le bonheur d'un seul 'et le lien de beaucoup par tous les charmes de l'amitié, de la 'décence, je n'imagine pas un sort plus beau que celui-là.' That wish to be the 'bond' between many minds—the vivifying centre of a large circle—so common at all times among accomplished Frenchwomen—is not always compatible with 'the happiness of one alone,' as Monsieur Roland no doubt found to his cost.

Rumours of coming Revolution soon broke the stillness of Madame Roland's retreat. She was at once aroused like a war-horse at the sound of the trumpet. No more idylls! Thenceforward she could only think of *res publica*. Lyons was then the centre of a strong anti-revolutionary party, and it is probable that the hostile political atmosphere which sur-

rounded her irritated her zeal. Certain it is that her letters at the beginning of the Revolution were strangely violent and intemperate, and that when she drew near to the scene of action, she grew comparatively moderate. She then saw that absolute right and wrong in politics are not so easy to distinguish as they sometimes seem to distant observers. Once in the midst of the vortex, herself a combatant, she became collected and clearsighted, and some of her later judgments on men and events would do honour to a mature and experienced statesman. But Madame Roland, if she was vehement in her hatred, was equally so in her self-devotion. Even at the very dawn of the Revolution, she seems to have foreseen that it would not be effected peaceably, and to have been ready for every sacrifice. In a letter to Bancal des Issarts, dated 18th August, 1790, she writes:—

'What is to be done? We must struggle with courage and constancy. It would be an unparalleled phenomenon if the regeneration of an empire were effected peaceably; such an idea is most probably a chimera. Adversity is the school of nations as of men, and I fancy that we must be purified in it before we are worth anything. Fate, which has caused us to live at this time of new-born freedom, has placed us as the forlorn hope of the army which is to fight for liberty, and bring about its triumph. Our business is but to do our task well, so as to prepare the happiness of the generations that will follow us.'

The exchequer of Lyons was even in worse order than that of the kingdom, and Roland, who had been elected a member of the municipal council of the city, was deputed to solicit financial aid from the Government. He arrived in Paris with his wife in the early part of February 1791. Madame Roland plunged at once into politics as into her natural element.

It is said that women should not meddle with politics. Without entering into a comparison of the qualifications of the two sexes for such pursuits, it seems a just and obvious rule that where there is no responsibility there should be no power. Madame Roland herself more than once clothed this theory in excellent and judicious language. But very just rules may from peculiar circumstances be very difficult to follow; and even in countries where women are not deeply interested in the ordinary course of political events, their passions and sympathies are excited, at least as keenly as those of the governing sex, by occurrences which shake the whole fabric of society. When fortune, liberty, life, and the welfare of their descendants for generations to come are at stake, it is absurd to suppose that intelligent warm-hearted women will remain passive

spectators of the struggle. In all great revolutions women have played their part, and it may be added that the historians of every revolution have in turn seemed surprised at the fact, as though it were not the natural result of the laws which govern the human heart. 'I do not like women who meddle 'with politics,' said General Buonaparte one day to a clever and handsome woman who had herself played a conspicuous part in the politics of the Revolution. 'I am of your opinion, 'General,' was the reply; 'but in a country where women's 'heads are cut off, it is but natural that they should like to 'know why.' Madame Roland, at least, played no covert political game; she laid down her stake as fearlessly as any man could have done, and nobly lost it.

In the portion of the Memoirs entitled 'Notices Histo-'riques,' she has left an account of this time of her life. She spent her days at the clubs and at the sittings of the National Assembly, eager to see and to learn. Brissot came to see Roland and herself, and soon made them acquainted with several deputies holding the same political opinions. It was settled that this little knot of friends should meet four evenings in the week to talk over public affairs, and Madame Roland's house was chosen, from its convenient situation, as the place of rendezvous. She has affirmed that on these occasions she always confined herself to the part 'befitting her sex,' and that, seated at some distance from the circle, she either worked or wrote letters; but she adds:—'I never lost a word of what 'was said, and more than once I have bitten my lips to keep 'myself from speaking my mind.' From these recollections she sketched living portraits of almost all her political friends. Pétion, Buzot, Brissot, and Robespierre were at this time the most assiduous. Robespierre she instinctively disliked, but she thought him honest and 'forgave him his bad speeches 'and wearisome delivery in favour of his principles.' We can almost fancy we see him in a corner of the room listening but saying little; biting his nails, or perhaps when the possibility of a republic is mentioned, inquiring with a sneer, 'What 'is meant by a republic?' Buzot is represented as 'probity 'itself with all the gentle externals of sensibility.' Madame Roland had from the first remarked him on account of his good sense and 'that clear, decided mode of speech which is 'the attribute of a just man.' Buzot had a wife, a good and worthy person, but who, intellectually, was in no way his equal.

To judge of these familiar councils of the leaders and victims of the Revolution by Madame Roland's account of

them, it is to be regretted that she did not take a more prominent part in their discussions.

'What struck me most, and gave me most pain, was that kind of talk (*patlage*) and levity by means of which men of sense manage to pass three or four hours together without coming to any conclusion. In detail, sound principles are proclaimed, good ideas are expressed, new views are exposed; but, on the whole, no line of conduct is traced, no fixed result or settled aim is determined on, towards which all are to tend in some particular way.'

'In my impatience I could sometimes have boxed the ears of these sages whom I learnt every day to esteem more and more for their uprightness and the honesty of their purpose—excellent reasoners, sound philosophers, learned debaters who, knowing nothing of the art of governing men, and, in consequence, of influencing an assembly, generally wasted all their learning and their wit without any result.'

The whole history of the Girondist party—of their virtues and their faults, their triumphs and their reverses—is contained in these lines.

Her correspondence with Bancal des Issarts continued very active. At one time some traces of a warmer feeling than friendship on the part of Bancal may be discerned in his letters, but Madame Roland's answers leave no doubt that she firmly but gently recalled him to a sense of duty, though not perhaps without a touch of tender sympathy and emotion akin to regret. At the period we are now speaking of, however, her letters are almost exclusively political, and are very curious. If they express in one page her ardent and intemperate zeal for the Revolution, they attest in the next her incomparable clearsightedness when not blinded by political passion. At one time she invokes civil war as a means of regeneration for her country. 'From the blood of honest men,' she says, 'would spring up hatred for the passions which caused it to 'be shed, and enthusiasm for the virtues of the victims.' At another time she speaks of patience as the 'true sign of 'strength of mind, and a political virtue peculiar to free 'nations.' It was at any rate a virtue in which she was herself lamentably deficient.

Roland having succeeded in the mission which the town of Lyons had confided to him, returned with his wife, after seven months' residence in Paris, to La Platière, but not to remain there long. One of the last acts of the Constituent Assembly had been to suppress the office of Inspector of Manufactories, and Roland, acting on the advice of his wife, resolved to settle definitively in Paris in order to push his claims to a retiring pension, and to complete the vast work on which he was

engaged, a 'Dictionnaire des Manufactures.' When they returned to the capital in the last days of 1791, many changes had taken place. The Constituent Assembly was gone. Pétion was Mayor of Paris, and absorbed in his duties. The friendly political meetings were no longer possible. Roland was very assiduous at the sittings of the Jacobins, but, being no orator, never spoke there. He was, however, put in the Committee of Correspondence. Here his wife did him good service. She wrote as indefatigably and far better than he did. The public was surprised, as well it might be, at the amount of work that Roland got through; and, when at the latter end of March 1792, the King resolved to make the concession of taking a liberal Ministry, Roland was designated by public opinion for the post of Minister of the Interior, as being the most laborious and active as well as the most upright of the 'Patriots.'

This Ministry, of which Dumouriez was the most brilliant, and Roland the most honest, member, did no good service to the Crown. The Ministers, with one or two exceptions, proved themselves rather the spies of the opposition than the confidential servants of the King. This crooked policy must, as far as Roland was concerned, be laid in great measure to the charge of his wife. She it was that inspired him with mistrust. The affability and apparent good intentions of Louis XVI. almost won over Roland when he came into daily contact with royalty. Madame Roland has in her Memoirs explained in unjust and cruel language the reasons of her own want of confidence as regards the unfortunate Queen; but the unrelenting hostility with which she joined in the persecution of Marie Antoinette and in putting the worst construction on all her actions, appears to us to be the deepest blot on Madame Roland's life.

That her distrust of the court-party proved her perspicacity, there is little doubt; but the manner in which it was shown was unjustifiable. Two decrees had been submitted to the King for his sanction: one against the priests, the other, more important, ordering the formation of a camp of twenty thousand men near Paris. Louis XVI., with his usual delays and subterfuges, withheld his assent, without absolutely refusing it. The Assembly was impatient, the popularity of the Ministers was in jeopardy; Madame Roland resolved that her husband should leave his situation with *éclat*. By her instigation Roland addressed a letter to the King, in which the antagonism between the nation and the throne was openly denounced. The King was represented as the friend and accomplice of those who conspired against the Constitution, and his wavering policy as the only obstacle to the establishment of peace and

order. This letter was presented by Roland to the Assembly, and by its order copies were distributed throughout the kingdom. No more treacherous blow could have been struck at the throne. The Sovereign was held up to public animadversion, and stigmatised as the enemy of his people's liberties, not by his avowed political adversaries, but by his own Ministers, who must have had, it was supposed, ample means of judging his conduct.

Madame Roland's conscience never seems to have reproached her with this deed. She boasts in her Memoirs of having written the letter herself. 'It was dashed off at one stroke of 'the pen,' she says, 'like everything I did of that kind. To feel 'the necessity of a thing, to understand its good effects, to wish 'to produce them and to throw my ideas into whatever shape 'was likely to bring about the desired result, was for me one 'and the same act.' Such a mode of action may be excusable in an ardent and enthusiastic woman, but what can be said in defence of a statesman, long past the middle of life, who allows the most decisive act of his political career to be dictated to him by his wife, and who gives to the world an all-important manifesto dashed off by her in the heat of improvisation? Upon this Roland quitted the Administration and retired for a short time into private life. The events of the 10th of August, 1792, when royalty may be said to have been abolished in France, brought him, however, once more into office as Minister of the Interior—but this time with Danton as Minister of Justice for his colleague, and, we may add, for his master.

Madame Roland held Danton in aversion. His coarse and burly form, his sensual countenance, his impudent speech and manners, had disgusted her even before he had shown the hideous violence of his nature. 'To appoint Danton,' she wrote, 'was to inoculate vice in the Government.' The tide of Revolution by this time had risen high, and Roland made praiseworthy, but pitiably impotent efforts to stem it. He was indefatigable with his circulars and his reports—in all of which the vigorous pen of his wife is distinctly perceptible—but with no good result. The great mistake of the party to which he belonged was to think that words could be pitted against deeds, and that eloquence was a sufficient weapon against crime. While Roland wrote, and preached fraternity and sensibility, Danton, sure of the support of the Commune of Paris, was planning the prison-massacres.

The 2nd of September came, a day unparalleled in the history of civilised nations. In the midst of a Christian country, in the heart of the capital, in presence of a passive population, and

apparently with the connivance of the constituted authorities, all the inmates of the prisons—which were then full to overflowing—were massacred in cold blood by a handful of ruffians. The Minister of Justice thanked the assassins in the name of France. Among the moderate party there was a moment of stupor, and—truth compels us to add—of hesitation. Roland, powerless himself, invoked the aid of Santerre, the commandant of Paris, and on the morrow of the massacres sent his protest to the National Assembly. In that very letter to the Assembly, however, there were words which, in the present day, seem to brand Roland with cowardice; but such was the low standard of moral courage when they were written, that they were then considered heroic. 'On the events of yesterday,' wrote the Minister, 'it would perhaps be better to drop a veil. I know 'that the people, in its terrible vengeance, preserved a kind of 'justice. . . . . and wreaked it especially on those whom it 'considered to have been too long spared by the sword of the 'law.' This, it must be said, was the last concession to demagogical tyranny, and thenceforward the party to which the Gironde has had the honour of giving a name, and of which Madame Roland was the most brilliant and striking impersonation, showed no signs of weakness.

That fearful day of September was the turning-point of the French Revolution; those prison-massacres are up to this very hour the touchstone of its historians. By the adroit reticence or timid palliation of some, and by the indignant horror of others in respect of this great crime, it is easy to distinguish the friends of true liberty from the fanatics of democratic absolutism.*

On the 21st of September, 1792, the first sitting of the Convention was held. An apparently trifling, but in reality a very

* Napoleon I., the former pupil and, in many respects, the direct heir of Robespierre, did not consider the massacres of September as completely inexcusable, or even quite unworthy of imitation, if we may believe Las Cases:—'Ce terrible événement, disait l'empereur, 'était dans la force des choses et dans l'esprit des hommes. Point de 'bouleversement politique sans fureur populaire; point de danger 'pour le peuple déchaîné sans désordre et sans victimes. Les 'Prussiens entraient; avant de courir à eux, on a voulu faire main 'basse sur tous leurs auxiliaires à Paris: peut-être cet événement 'influa-t-il dans le temps sur le salut de la France. Qui doute que 'dans les derniers temps, lorsque les étrangers approchaient, si l'on 'eût renouvelé de telles horreurs sur leurs amis, ils eussent jamais 'dominé la France? Mais nous ne le pouvions.' . . . (*Mémorial de Ste. Hélène.*)

significant, circumstance indicated that the situation of parties was changed. The members of the former Assembly, who had fought under the banner of Vergniaud, Brissot, and the Girondist chiefs, instead of occupying as heretofore seats on the extreme left, took possession of those benches on the right, which but a few days before had been filled by the moderate constitutional party. Threatened with complete anarchy, the Revolutionists of yesterday had suddenly become the Conservatives of the day. They would go no farther. It will be the immortal honour of the Gironde that they were stopped, not by any personal danger—the danger was in resisting—but by their horror of crime. Beside the stream of blood which had oozed from beneath those prison walls, they stood at bay and defied their enemies. It became a great gulf fixed between them and the Montagne. In vain Danton, too late repentant, stretched out a saving hand in the day of peril, and proposed an alliance, provided the deeds of September were buried in oblivion; that hand was red with the blood of the prison-massacres, and was indignantly rejected. Even a tacit amnesty would, they considered, have branded them as accomplices in the eyes of posterity.*

But we are writing of Madame Roland, and must be content to mention such portions only of the general history of her times as concern her personally. That she had become as obnoxious as her husband to the Montagnards, and more especially to Danton, is abundantly proved. Her influence over the chiefs of the Gironde, and particularly over her husband and Buzot, was well known, and was alluded to even in the Convention. Roland had been elected a member of that Assembly, and, in consequence, had tendered his resignation as Minister. Some members proposed that he should be requested to retain his situation; but Danton opposed the motion, saying: 'No 'one can render Roland more justice than I do, but if he is 'invited to remain as Minister, the invitation should be ex-'tended to his wife, for you know that Roland was not 'alone in his department. I was alone in mine!' 'What

* We recommend to such of our readers as may be curious to study the history of the revolutionary period in France, M. Mortimer-Ternaux's valuable work, entitled 'Histoire de la Terreur,' of which the fourth volume is now published. M. Mortimer-Ternaux has collected a very great number of authentic and curious documents which he has classed with method and clearness, and presented with rare impartiality. He has rendered thereby great service, not only to the reading public, but to all future historians of that eventful period.

'does it matter to France,' replied the deputy Lasource, 'whether Roland has an intelligent wife who gives him good 'advice, or whether he takes counsel of himself alone?' And, again, we find Danton remarking that 'the nation requires 'Ministers who know how to act without being led by their 'wives.' It was evident that when the day of vengeance came, Madame Roland would not be suffered to escape.

Of the love which at this time must doubtless have existed between Buzot and herself there is no outward proof, save, perhaps, his constant defence of Roland's acts whenever they were attacked. Buzot was one of the most ardent and active of the Girondists. Though his talents were not of the first order, and he was far inferior as an orator to many members of his own party, he had acquired considerable influence by his earnestness, courage, good sense, uncompromising honesty and mental acquirements. There was much in Buzot likely to please women. He was young (six years younger than Madame Roland), with a noble expressive countenance, a graceful figure, and was, moreover, as Madame Roland herself has told us, extremely careful in his dress. He must, on the whole, have presented a striking contrast to Roland, whose slovenly, shabby appearance and stiff deportment were a constant subject of ridicule with his enemies. Buzot was full of imagination, tender, impassioned, and delicate, of a romantic disposition, and inclined to melancholy. But why seek to explain where no explanation is necessary? He did please, and was tenderly beloved.

Madame Roland's influence over him was complete. He became her champion and her mouth-piece. He was ever on the breach, demanding the punishment of the assassins of September, proposing the establishment of a departmental guard to protect the Assembly, voting against the execution of the King, and combating with all his power the creation of a Revolutionary Tribunal, as though some prophetic vision had shown him the woman he so dearly loved condemned to die by that hideous mockery of justice.

One day Madame Roland herself appeared at the bar of the Convention. Chabot had denounced Roland as having held correspondence with the *émigrés* in London. An obscure intriguer, named Viard, pretended that he had had a conference with Madame Roland. At the express request of Roland himself, she was called upon to give her evidence before the Convention. Her beauty, her calm demeanour, her truthful deposition given in that clear musical voice which charmed all hearers, elicited universal applause. The president, in the

name of the Convention, invited her to assist at the sitting, offering her *les honneurs de la séance.* Marat alone, standing gloomily at the foot of the tribune, pointed to the galleries whence no applause had issued, and said: 'Mark the silence 'of the public; the public is wiser than you.'

It was the last day of triumph—one of those fruitless victories that the Girondists so often obtained. The proposal to make an appeal to the people which had been brought forward as a last chance of saving Louis XVI., was rejected, and, a few days after the death of the King, Roland retired from office. No one sought to detain him: his name had become so unpopular that his presence in the Ministry was injurious to his party. Every day the struggle between the Montagne and the Gironde, between Paris and the rest of terrorised France, between the leaders of the populace and the representatives of the nation, became more unequal. On the 31st of May, 1793, the Convention laid violent hands on itself, and decreed the arrest of thirty-two of its members. An order of the Revolutionary Tribunal was issued against Roland, who took refuge in flight, and the following day, Madame Roland, who had remained in Paris and in her own house, was arrested arbitrarily by the same authority and conducted to the prison of the Abbaye.

On crossing the threshold of her prison, Madame Roland seemed to have regained her liberty. She has herself compared her feelings on that occasion to the sensation of relief and irresponsibility which she had sometimes experienced in taking to her bed in sickness. 'Prison seems to produce on me the 'same effects as illness,' she said; 'I am only called upon to 'remain where I am, and that does not seem so very hard: my 'own company is not bad.' That gloomy prison appeared an asylum! For some time before her arrest Madame Roland had wished to leave Paris, as much to secure herself against the weakness of her own heart, as to leave Roland more free to move in case of danger. She had been prevented by illness, and now the necessity—nay, the very possibility—of flight was at an end. The suspicions and querulousness of the jealous husband, the struggle between passion and duty, were all at rest. The worst, or nearly the worst, was come. She was safe, and, according to her code of virtue, she was now free to give herself up to the thoughts of the love from which those prison walls seemed to defend her.

That code of virtue we have no intention to discuss. The feeling which, for want of a better word, we must, we suppose, call Platonic love, has fallen into great disrepute of late years.

Sentimentalists have made it ridiculous; sensualists have derided it as a sublime dupery; austere moralists have stigmatised it as a specious hypocrisy. Yet, dangerous chimera though it may be, it is not the dream of vulgar minds. If proof were wanting of Madame Roland's sincerity of purpose, it would be found in her almost joyful acceptance of captivity. It is more than probable that, like the greater number of her contemporaries in France, she believed neither in the indissolubility nor in the inviolability of the marriage-tie. Those were days in which most duties were considered as old-fashioned prejudices. During that very month of May in which she entered the Abbaye, the number of divorces in Paris fell short of that of marriages by one-third only. From her education and the circle she moved in, we have every reason to suppose that Madame Roland would have been indulgent to the frailties of others, yet towards herself she remained inexorable, and never once admitted the possibility of forsaking her old husband, or becoming a faithless wife, save in heart. This inconsistency, so completely the reverse of that which is generally practised, may, we think, be counted to such a woman as a virtue.

After the vote of the National Assembly, some of the proscribed Girondists took refuge in the western and southern provinces in the hopes of kindling an insurrectionary movement to overawe the capital. Buzot was one of the fugitives, but he found means of conveying letters to the prisoner. The four letters which M. Dauban has published are her answers. The first, dated from the prison of the Abbaye, June 22nd, is evidently a reply to some proposed plan of escape:—

'I am indebted to the humanity of my keepers for many indulgences, which I hide in order not to bring them into trouble; but kindness binds more firmly than chains of adamant, and, could I escape, I would not, lest I should ruin the honest jailer who takes so much trouble to lighten my captivity.'

After a cheerful description of her room and occupations, and some details about her husband, her child, and her faithful servant, she adds:—

'I scarcely dare own, and you alone can comprehend, that I am not sorry to have been arrested.

'I fancy that they will, in consequence, be less violent against R. (Roland). If they bring me to trial, I will go through it so as to do him honour. It seems to me that by this means I am making him some amends for his sorrows; but do not you see likewise that in remaining alone, I remain with you? Thus, thanks to my captivity, I am enabled to sacrifice myself to my husband while I keep myself

to my friend, and I owe to my persecutors the possibility of combining love and duty. Ah! do not pity me! Others may admire my courage, but they do not know my joys: you alone can appreciate them . . .'

The same idea recurs in the second letter:—

'The wicked think to oppress me by captivity. Fools that they are! what matters it whether I am here or elsewhere? Have I not my heart always with me? and to shut me up in a prison is to give me up undividedly to my own heart. . . . My love bears me company; my only care is to think of it. . . . I know too well what the ordinary course of events would have imposed upon me to complain of the violence which has turned it aside. If I must die, I know of life its best; and its prolongation would probably only compel me to fresh sacrifices.'

To all plans of escape she resolutely refused to listen. 'The 'chains she bears,' she says, 'are less heavy than those from 'which her prison has released her, and which no one knew 'of.' From the passage in her Memoirs which we quoted some pages back, it is evident that she had either confessed to her husband her love for Buzot, or, at any rate, had not dissembled it, and that all conjugal peace had been destroyed in consequence. Madame Roland never felt either remorse or shame at her love. As Monmouth in his prison could not be brought to confess that it was wrong to love his Henrietta, so Madame Roland would never have admitted that love such as her's was not the source of all noble deeds. We will transcribe one passage in French; it gives a good idea of the tone of these letters, and shows how far Madame Roland was from considering her love as a guilty or a shameful passion:—

'Je ne m'étois pas même permis de chercher cette indépendance et de me décharger ainsi du bonheur d'un autre qu'il m'étoit si difficile de faire; les événements m'ont procuré ce que je n'eusse pu obtenir sans une sorte de crime. Comme je chéris les fers où il m'est libre de t'aimer sans partage et de m'occuper de toi sans cesse! . . . . Poursuis généreusement ta carrière, sers ton pays, sauve la liberté; chacune de tes actions est une jouissance pour moi, et ta conduite est mon triomphe. Je ne veux point pénétrer les desseins du ciel, je ne me permettrai point de former de coupables vœux; mais je le remercie d'avoir substitué mes chaînes présentes à celles que je portois auparavant, et ce changement me paroît un commencement de faveur; s'il ne doit pas m'accorder davantage, qu'il me conserve cette situation jusqu'à mon entière délivrance d'un monde livré à l'injustice et au malheur. . . . Je suis où l'a voulu la destinée; on dirait qu'attendrie sur mes maux, touchée des combats qu'elle-même m'avoit imposés, elle a préparé les événements qui devoient me procurer quelque relâche et me faire goûter le repos; elle s'est servie de la main des méchants pour me conduire dans un port; elle

les a employés à faire du bien malgré eux, et à dévoiler toute leur noirceur de manière à inspirer cette haine avant-coureur de leur chute; elle offre à mon courage l'occasion d'être utile à la gloire de celui avec qui elle m'avoit liée, elle cède à ma tendresse la liberté de se développer en silence et de s'épancher dans ton sein.'

On the whole, these letters may be reckoned among the most curious love-letters extant. The extracts we have given convey a very incomplete notion of their contents. Patriotism holds a great place in them—perhaps as great a place as love itself. Madame Roland expresses deep anxiety about the movement in the provinces, and gives her advice and even directions like a politician. All personal considerations are secondary to the love of country and of liberty. In answer to some fears for her safety she writes: —'The question is not whether a woman 'may or may not survive you. The first object is to preserve 'your life in order to make it useful to your country; all 'else must come after.'

The last letter to Buzot is dated July 7th, 1793. Madame Roland was destined to remain in prison three months longer, but it is probable that no further communication took place between her lover and herself. Buzot was hiding in the neighbourhood of Bordeaux, and her own captivity was becoming every day more severe. Her friend Champagneux was himself a prisoner, and even the faithful Bosc was obliged from prudence to visit her but rarely. Her first arrest having been considered illegal, even for those times, she had been released from the Abbaye, but at the very door of her own home, and before she could embrace her child, she had been once more seized and confined in Ste. Pélagie. Ste. Pélagie was the receptacle of the lowest order of prisoners. Murderers and prostitutes, the very refuse of the streets of Paris, filled the rooms and the courtyards with their hideous outcries and still more hideous merriment. Yet even there Madame Roland managed to make herself a peaceful solitude.

From the very first days of her captivity at the Abbaye, she had taken up her pen, and under the title of 'Notices Historiques' had related the events of which she had been an eye-witness. The greater part of that manuscript has been destroyed. Champagneux, to whom it had been entrusted, confided it in his turn, when he was arrested, to a female friend, whose fears induced her to burn it. Madame Roland on this occasion wrote: 'I would as lief have been thrown into the fire myself.' Nothing daunted, she resumed her task and wrote the 'Notices,' which have been published, as well as her private Memoirs. This she did in the comparatively happy days when she still

hoped for the ultimate triumph of the Gironde, and believed in the safety of her friends. But time wore on; those she loved were hunted down as fugitives with scarcely a chance of escape; the nation seemed to glory in proscriptions and massacres; and even the opportunity she anticipated that a public trial would afford her of confessing boldly and gloriously her political faith, was to be denied her. A decree of the Convention had authorised the Revolutionary Tribunal to close all trials 'whenever the jury considered itself sufficiently enlightened.' No defence henceforward was to be permitted. 'As long as speech was allowed,' she wrote to a friend, 'I felt a vocation for the guillotine—but now . . . . . .'

She at first resolved to starve herself to death in her prison; but then came the trial of the twenty-two Girondists, and she was summoned as a witness. Once more she hoped she might be useful, and determined to live. She was not called upon to give evidence, however, and the idea of suicide then returned with double force. She applied to Bosc for a strong dose of opium. Her life was, according to her notions, a possession of which she might freely dispose. Bosc's letter in reply has not been preserved, but we have one from Madame Roland in acknowledgment of it. He does not appear to have used any religious arguments against suicide, but to have dissuaded her from her project on the score of patriotism. Her death on the scaffold would, he urged, be a good example, and draw increased hatred on their oppressors. By his own showing, it cost him a great deal to deny his friend her request. Their correspondence on this subject might be that of pagans, but it is not without the grandeur of pagan antiquity.

It was when she had resolved to die, that Madame Roland wrote the truly touching and eloquent pages which have been handed down to us under the title of 'Mes Dernières Pensées.' They contain indignant invectives against the tyrants of her country, and the tenderest farewell to all those she has loved on earth. Her good and faithful nurse is not forgotten. 'If the chimeras of metempsychosis were a reality, I would wish to return to life under some other shape to comfort and console, in my turn, the old age of that excellent and tender being.' But the last words are for Buzot, for 'him who she dares not name.' 'Adieu,' she writes, 'adieu . . . . No! from thee alone I do not part; to leave the world is to draw nearer to thee.'

On the 1st of November, after five months' imprisonment, Madame Roland was transferred to the Conciergerie: it was but a halting-place on the road to the scaffold. Madame Roland

entered it without a hope of life, for the twenty-two Girondists had been executed the day before her arrival. At the end of a week she was summoned before the Revolutionary Tribunal. During her short stay in the prison she had endeared herself to all her fellow-sufferers, and had especially acquired a singular amount of influence over the wretched women of the lowest class, who had been cast in great numbers into the Conciergerie, and mixed with the political prisoners. The singular charm of her presence has been described by numberless contemporaries, but the testimony of Count Beugnot, her fellow-prisoner, has perhaps most weight, for he was a royalist, and had felt no previous sympathy for the Girondist Minister's wife, with whom indeed he often disagreed, even in prison, when politics were mentioned.*

'We were awakened every night,' he writes in his Memoirs, 'by the screams of infuriated women who were tearing each other to pieces. Madame Roland's room was an asylum of peace in the midst of this hell. If she went down into the court, her mere presence re-established order, and these unfortunates, upon whom no authority seemed to have any hold, were restrained by the fear of displeasing her.... She walked surrounded by women like some tutelar divinity —very different in this respect from the Dubarry, whom the lost creatures treated with fierce equality.'

The same eye-witness has described Madame Roland's departure from the prison. He had been entrusted with a message for her from a friend, and he went in search of her in the passage through which she must needs pass. He found her waiting at the gate to be called, surrounded by women who pressed round her to kiss the hand she had stretched out to them. With the other hand she held up the long skirt of her gown. She was dressed in white, and her beautiful hair fell thick upon her shoulders. Her countenance was more animated than usual, a smile was on her lips, and a bright youthful colour on her cheek. M. Beugnot gave his message, to which she replied in a firm voice. As she was speaking, the two turnkeys shouted out her name. At this fearful summons, she stopped, pressed his hand, and said calmly 'Good-bye, let us make friends; it is full time.' Seeing that he was with difficulty repressing his tears, she added:

* 'I never heard any woman,' wrote Count Beugnot, 'speak with so much accuracy and elegance. The habit of speaking Italian had taught her the art of imparting to French a rhythm and a cadence hitherto unknown.... Every day I felt new pleasure in listening to her, less even for what she said than for the magic charm of her delivery.'

'Courage,' and with a light step she passed on to face her judges. On her return from the tribunal she smilingly drew her hand over the back of her neck, to indicate to her fellow-prisoners by that significant gesture that she was to die on the morrow.

'I thank you,' she had said to her judges on hearing her sentence, 'I thank you that you have thought me worthy to share the fate of the great and good men you have murdered: I will try to show on the scaffold as much courage as they.'

The next day, in the afternoon, she took her seat in the fatal cart, with one only companion, a poor terror-stricken wretch, named Lamarche, whose courage she strove to uphold during the long journey to the scaffold. Their way lay along the quays, and she had long in view the house which she had inhabited for so many years during her happy youth, at the corner of the Pont-Neuf and the Quai des Orfèvres. There was the window at which she used to sit to write her long letters to Sophie—the window from which she had so often seen—as she now saw—the sun setting behind the heights of Chaillot. Whatever may have been her thoughts, she showed no weakness, and seemed intent only on cheering her companion. Even at the foot of the scaffold she forgot her own misery in that of another: 'Go up 'first,' she said to Lamarche, 'you would not have the strength 'to see me die;' and as the executioner seemed to hesitate, she turned to him with a smile, and added: 'You cannot, surely, 'refuse a woman her last request?'

Her last words are well known. A colossal statue of Liberty stood on the Place de la Révolution—a mud and plaster statue, fit emblem of the liberty of the day. Raising her eyes towards it, she exclaimed: 'O! Liberté! comme on t'a jouée!' and placed her head under the guillotine.*

* Not the least curious feature of those times was the prevalence of a monomania which seized certain men—of an otherwise gentle and humane nature—to attend every execution. Day after day they were to be found at the foot of the scaffold, never wearying of the dreadful spectacle. M. Bertin was one of these singular amateurs of death. He was a royalist at heart, but he pronounced that no victim had shown more undaunted courage than Madame Roland, and he used to give a proof which in the present physiological age will perhaps be considered convincing. 'When her head fell, two 'powerful jets of blood spouted up from the mutilated trunk. This 'was a very rare circumstance,' he said; 'in general the head used 'to fall quite discoloured, and the blood, which fear or emotion had 'driven back to the heart, trickled out slowly drop by drop—she 'died full of life.'

Madame Roland had predicted that her husband would not survive her, nor was she mistaken. Roland had taken refuge near Rouen with some female friends of old standing. When he heard of his wife's death he deliberated whether he would commit suicide, or give himself up to his enemies; and, strange to say, he held counsel with his hostesses on the subject. By their advice, and in order that his fortune should not be lost to his little daughter—as would have been the case had he suffered death on the scaffold—he determined to kill himself. He took leave of his friends, and going a little way out of the town, he stabbed himself with a dagger. He was found quite dead, sitting by the roadside, like a weary wayfarer.

Buzot's fate was more fearful still. For months he wandered about the neighbourhood of Bordeaux, hunted out from every hiding-place in succession. In the month of July 1794, his body, with that of Pétion, was found, half devoured by wolves, in a cornfield near Castillon. It was never known whether they had died of hunger or by their own hand.

It is a very trite saying that historical characters should be viewed by the light of their own times, and we believe that there are very few readers, and still fewer writers, who do not firmly intend to abide by that rule when they sit in judgment on past generations. Under the most ordinary circumstances, however, it is not always easy to hold fast by it, while in some instances, like the present, the observance of this first principle of historic justice presents almost unconquerable difficulties. The light of the times in which Madame Roland lived was the blinding glare of a vast conflagration, illumining at first the world, then subsiding into lurid gloom with intervals of blaze and still more threatening darkness. As we look upon it through the distance of time, strange and fearful figures are seen hurrying to and fro in apparent confusion—some striving to extend, others to repress the wide-spread destruction, some bent on a work of deliverance, others on rapine and revenge. Each group of men stands out for one moment in bold outline on the flaming sky, they grapple hand to hand with some fierce enemy, and then leap wildly or are cast into the furnace. As one by one they pass across the terrific background, magnified in size and distorted in shape, it is no easy task to estimate their real stature or even to understand their movements. Still more difficult is it to portray them. Terror, pity, horror and admiration are powerful obstacles to accuracy and impartiality.

Madame Roland, if measured by the ordinary standard of an Englishwoman of the present day, must be condemned. According to our modern notions, she was neither gentle, nor

pious, nor delicate, nor even virtuous; she would not be considered an amiable, certainly not a loveable woman—perhaps we may say, in some respects, she would scarcely seem a woman at all. But viewed by that strange light of her own times, she stands out in noble and lofty preeminence. In judging her politically and morally, we have striven to keep her contemporaries in view. If we have not succeeded in showing her relative goodness, then our labour has been spent in vain. Of her greatness, if heroism is greatness, there can be no doubt.

She was a heroine, and should be measured by the heroic standard. Nor ought characters such as her's to be scanned too closely. Minute criticism, in such cases, can only serve to obscure, instead of enlightening, our judgment. By too near an inspection we lose the grandeur of the general outline. We should look at the great features of Madame Roland's life. A sort of religious earnestness when scepticism and indifference reigned; a living sense of duty when impulse was obeyed as the only law; sensual passion trampled under foot when all was license around; patriotism and the love of liberty overruling all other feelings: such are the great lines that strike us at first. And then the end! If it be true that death is the great touchstone, then indeed Madame Roland comes out triumphant from the trial. A death such as her's would suffice almost to redeem crime, much more to efface mere errors of judgment.

Some fears have been expressed lest the life of Madame Roland should prove a dangerous example. As regards her countrywomen, we should say there was little danger. The tendencies of modern Frenchwomen lie in quite another direction. An inordinate love of liberty, an undue wish for political power, and the desire to excite men to intemperate deeds, are not among their faults. Their policy is, in general, the policy of expediency. Their influence, for many years, has been exerted in favour of triumphant force, and, with few exceptions, they have used their power to convert husbands, brothers, and lovers to the theory of the righteousness of success. The cause that Cato favoured has found no support in modern times with the women of France, and they have almost invariably sided with the gods and the victor of the day. Under these circumstances, Madame Roland's great and noble qualities, her ardent patriotism, her earnestness, her lofty ambition, her love of liberty—in a word, her truly virile virtues—may, in spite of some unfeminine vehemence and coarseness, receive the honours to which they entitle her. There is little fear that they will find too many imitators among the female subjects of Napoleon III.

ART. V.—*History of the Rise and Influence of the Spirit of Rationalism in Europe.* By W. E. H. LECKY, M.A. 2 vols. London: 1865.

WE opened these volumes, never having heard the name of their author, and entirely ignorant of his pretensions to a place in English literature. We closed them, with the conviction that Mr. Lecky is one of the most accomplished writers and one of the most ingenious thinkers of the time, and that his book deserves the highest commendation we can bestow upon it. Indeed, it has seldom been our good fortune to take up an essay by an unknown, and we presume, a young, author so remarkable for the purity and eloquence of its style, so replete with varied erudition, appropriately introduced to illustrate and enliven argument, or so distinguished for broad and dispassionate views. Since the late Mr. Buckle took the town by storm with his theory of human affairs, which suddenly raised him into notoriety, we have not met with any work of so much originality and power. In some respects Mr. Lecky may be regarded as an offset from Mr. Buckle, for whose writings he professes great admiration. There is a sort of family resemblance between them, as well in their subject as in their treatment of it. Both of them are enthusiastic advocates of the progress of mankind; both of them attribute that progress mainly to the conquests of human reason; and both of them bring to their work a prodigious amount of reading and great speculative ingenuity, expressed in a clear and flowing style. But in many respects we prefer the volumes now before us to the 'History of Civilisation in England.' Mr. Lecky is happily free from that love of paradox which hurried Mr. Buckle into a multitude of reckless assertions to support untenable theories. He is free from that malignant and unjust spirit Mr. Buckle continually displayed by sneering at everything from which he had the misfortune to differ. Above all, whilst Mr. Buckle's view of human history tended to degrade the nature of man, by representing him as the mere slave of the physical circumstances that control his destiny, Mr. Lecky refuses to enthral the human mind by arithmetical averages and a material origin. His very first object in his Introduction is to vindicate the freedom of the human will, and to explain the recurrence of moral phenomena by causes far removed from the statistical evidence which denotes it. Again, Mr. Buckle's work, with its vast philosophical pretensions, is singularly devoid of method; he had projected a scheme which

he never realised, and which he lived long enough to perceive to be beyond his power of execution: he was carried away by the torrent of his own thoughts, and his original design was lost in the efforts he made to fulfil it. Mr. Lecky, on the contrary, has proposed to himself a definite object and has accomplished it. Every portion of his work is coherent and consistent; every page bears upon the truths he wishes to elucidate; and although his powers of illustration are not inferior to those of Mr. Buckle, he never allows them to distract him from the course of systematic reasoning he intends to follow. Thus although the starting point of the two works is almost identical, they point, like two streams having their source in one range of hills, in opposite directions. Mr. Buckle, followed to his furthest consequences, would have reduced the world to a mechanical creation of the Gods (if Gods they be) of Epicurus: Mr. Lecky, though equally opposed to the errors and superstitions which have, at various times, been engendered and sanctioned by theological authority, sees in the great principles of religion an indispensable element of civilisation,—he admits the services which religion in all her multifarious forms has rendered to civilisation,—and he regards a broad and enlightened application of the precepts of Christianity as the consummation of all that the human race can hope to attain to. The sum of his doctrine may thus be expressed in his own words, 'that 'amid the transformation or dissolution of intellectual dogmas, 'the great moral principles of Christianity continually re-'appear, acquiring new power in the lapse of ages, and influ-'encing the type of each succeeding civilisation.' (Vol. ii. p. 249.)

It will therefore at once be seen that although this book deals severely with many forms of error, and of theological error amongst the rest, and unrolls a melancholy picture of the absurdities and crimes which have been believed or committed in the name of religion, it is in no sense an irreligious or an anti-religious book. Quite the contrary; and although we ourselves may not agree with Mr. Lecky in his view of the historical evidences of Christianity and the dogmatical tenets of the Christian Church, these topics are not prominently discussed by him, but on the contrary, while he denounces certain opinions which have, he thinks, exercised a pernicious influence on the world, he shows that these are not the essential truths of Christianity, but have, on the contrary, been engrafted upon it by the prejudices or ignorance of men.*

* We have expressed our admiration of Mr. Lecky's style, and indeed it is scarcely possible to praise it too highly for its singular

The terms in which Mr. Lecky has expressed the title of his work do not convey an accurate, or even a fair, notion of its spirit or its purpose. The word 'Rationalism,' which we have borrowed within the last half-century from the Germans, has in England a restricted and sectarian meaning. It denotes the application of the powers of the understanding to reduce the supernatural occurrences and dogmas of revealed religion within the limit of natural causes. It is in fact a term of theological controversy of limited application, and it will naturally be inferred by those who have not read his book that Mr. Lecky's intention is to give a history of this invasion of the sanctuary by the free-thinkers of Germany and other countries. But this would be an entire mistake. Mr. Lecky employs the word 'Rationalism' in a far wider sense. He means by it that progress of the human mind which dispels by reasoning fallacies of every description injurious to the welfare of man and of society—fallacies of superstition, fallacies of the church, fallacies of politics, fallacies of science, and fallacies of trade. This might, no doubt, be called Rationalism, but it is a use of the expression not sanctioned by usage and not easily understood. The term 'Rationalism' itself is a bad one—an adjective converted by a clumsy addition into a noun. The adoption of it by Mr. Lecky is the more to be regretted as it conveys an erroneous impression of his book. According to his conception of the word, all the triumphs of the human mind —the Reformation, the invention of printing, the discovery of the laws of free trade, are the results of what he terms 'rationalism,' although their connexion with what are commonly called 'rationalist' doctrines is indirect and remote.

Indeed, Mr. Lecky himself has established in his Introduction a broad distinction between the province of the theologian and that of the historian of opinions: and he belongs not to the former but to the latter class.

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clearness, beauty, and precision: but we have noted a few verbal inaccuracies (due perhaps in part to the printer) which he would do well to correct. Thus he writes '*intentity*' for intensity; *disassociate* for dissociate; *medure* for measure; *declension* for decline; *lay* for laid; *illegitimate* for illicit; and he adopts the vulgar use of the word 'to supplement' as a verb. A close revision of the text might also enable him to remove some grammatical inaccuracies. Some of his historical allusions are not correct. Of these one of the most curious is his statement that 'Pascal based his defence of the 'miracles of Jansenism upon the miracles at the tomb of the Abbé 'Páris.' (Vol. i. p. 180.) But the Abbé Páris was born in 1690, eighteen years after Pascal's death.

'The first confines his attention to the question of the truth or falsehood of particular doctrines, which he ascertains by examining the arguments upon which they rest; the second should endeavour to trace the causes of the rise and fall of those doctrines which are to be found in the general intellectual condition of the age. The first is restricted to a single department of mental phenomena, and to those logical connexions which determine the opinions of the severe reasoner; the second is obliged to take a wide survey of the intellectual influences of the period he is describing, and to trace that connexion of congruity which has a much greater influence upon the sequence of opinions than logical arguments.' (Vol. i. p. ix.)

And again:—

'Those who have appreciated the extremely small influence of definite arguments in determining the opinions either of an individual or a nation—who have perceived how invariably an increase of civilisation implies a modification of belief, and how completely the controversialists of successive ages are the puppets and the unconscious exponents of the deep under-current of their time, will feel an interior distrust of their unassisted reason, and will naturally look for some guide to direct their judgment. I think it must be admitted that the general and increasing tendency, in the present day, is to seek such a guide in the collective wisdom of mankind as it is displayed in the developments of history. In other words, the way in which our leading thinkers, consciously or unconsciously, form their opinions, is by endeavouring to ascertain what are the laws that govern the successive modifications of belief; in what directions, towards what conceptions, the intellect of man advances with the advance of civilisation; what are the leading characteristics that mark the belief of civilised ages and nations as compared with barbarous ones, and of the most educated as compared with the most illiterate classes. This mode of reasoning may be said to resolve itself into three problems. It is necessary, in the first place, to ascertain what are the general intellectual tendencies of civilisation. It is then necessary to ascertain how far those tendencies are connected, or, in other words, how far the existence of one depends upon and implies the existence of the others, and it is necessary, in the last place, to ascertain whether they have been accompanied by an increase or diminution of happiness, of virtue, and of humanity.

'My object in the present work has been, to trace the history of the spirit of Rationalism: by which I understand, not any class of definite doctrines or criticisms, but rather a certain cast of thought, or bias of reasoning, which has during the last three centuries gained a marked ascendancy in Europe. The nature of this bias will be exhibited in detail in the ensuing pages, when we examine its influence upon the various forms of moral and intellectual development. At present it will be sufficient to say, that it leads men on all occasions to subordinate dogmatic theology to the dictates of reason and of conscience, and, as a necessary consequence, greatly

to restrict its influence upon life. It predisposes men, in history, to attribute all kinds of phenomena to natural rather than miraculous causes; in theology, to esteem succeeding systems the expressions of the wants and aspirations of that religious sentiment which is planted in all men; and, in ethics, to regard as duties only those which conscience reveals to be such.' (Vol. i. p. xix.)

It is a painful subject of reflection that of all the fallacies and prejudices which have arrested the progress of mankind, none are so tenacious as those which owe their power to a theological influence. These opinions became rooted in society, not only because they took their origin in the natural credulity of man, but because it was considered wicked—an offence against God himself—to doubt of their truth. The experience of ages has proved beyond dispute that entire unity of belief on dogmatic points is unattainable, and that the Christian Churches are, and ever will be, divided, on the very articles they have never ceased to contend for as the most essential parts of their faith. But are these articles in truth the most essential? Might not that supreme rank be attributed rather to opinions which all the Churches hold in common, and which embrace, without dispute, the moral condition of mankind, the elevation of the human mind, and the advancement of society? This proposition is itself one of those truths which are slowly making way against a tide of prepossessions, and it is still opposed by the weight of clerical authority.

Mr. Lecky brings this theory to the proof, not by plunging into the depths of theological controversy, but by exhibiting, in a very interesting and even entertaining manner, the misplaced application of theology to secular affairs. He holds that the contest between the champions and the adversaries of religion is no longer to be fought, as it was in the sixteenth and seventeenth centuries, upon points of dogmatic theology, and that the dogmatic forms of the Protestant Churches are no longer the efficient antagonists of the Church of Rome. Nor are the free-thinkers of the present day to be confounded with those of the old Voltairian school in France or with the English Deists of the last century. Their system is no longer exclusively negative and destructive, but, on the contrary, intensely positive and, in its moral aspect, intensely Christian. It embraces a series of essentially Christian conceptions—equality, fraternity, the suppression of war, the education of the poor, the abolition of slavery, the diffusion of liberty. It revolves round the ideal of Christianity and represents its spirit without its dogmatic system and its supernatural narratives. From both of these it unhesitatingly recoils, while deriving all its strength and nourishment from Christian ethics.

'We find, everywhere, that the prevailing feeling is to look upon the defence of Christianity as a matter not external to but part of religion. Belief is regarded not as the result of an historical puzzle, the solution of an extremely complicated intellectual problem which presents fewest difficulties and contradictions, but as the recognition by conscience of moral truth. In other words, religion in its proofs as in its essence is deemed a thing belonging rather to the moral than the intellectual portion of human nature. Faith and not reason is its basis; and this faith is a species of moral perception. Each dogma is the embodiment and inadequate expression of a moral truth, and is worthless except as it is vivified by that truth. The progress of criticism may shift and vary the circumstances of an historical faith, the advent of new modes of thought may make ancient creeds lifeless and inoperative, but the spirit that underlies them is eternal. The ideal and type of character will acquire new fascination when detached from the material conceptions of an early civilisation. The idolatry of dogmas will pass away; Christianity, being rescued from the sectarianism and intolerance that have defaced it, will shine by its own moral splendour, and, sublimated above all the sphere of controversy, will assume its rightful position as an ideal and not a system, as a person and not a creed.'

No doubt this is the tendency of the modern school of thinkers to which Mr. Lecky himself appears to belong. We are not going on the present occasion to deal with their theological opinions, but as we have alluded to them, we must enter our passing protest against a school which would reduce Christianity to a system of ethics, and deprive it of its supernatural character. And we are content to rest the whole argument on a single dogma and a single fact—the Resurrection of the Dead—attested in and by the Resurrection of Our Lord. If that supernatural fact is historically proved, as every Christian believes it to be, it is idle to dispute the miraculous character of the Christian revelation. If it is not proved, there is an end of the truth of Christianity itself in its relation to the future destiny of the soul of man, however beneficial it may still be to the welfare of society. The purest laws of ethics will fail to exercise a paramount authority over the bulk of mankind if they are not enforced by a belief in their divine origin; and a system of morals would not deserve the name of a religion, which, though it might serve to regulate the relations of man to man, should leave untouched the more mysterious and momentous relation of man to his Creator.

The misfortune is, that the tendency of the human mind to enlarge rather than to restrict the sphere of the supernatural, and the readiness of the priesthood to avail itself of this tendency, have had the effect of assigning to multitudes of gross

delusions and pernicious fallacies an authority as divine as that which we claim for the doctrine of the immortality of the soul. And here Mr. Lecky enters upon the strongest, the ablest, and the most instructive portion of his book.

He commences with a most graphic and ingenious inquiry into that vast department of pretended miracles, which is comprised under the name of witchcraft, magic, and sorcery—a subject on which, at the present day, credulity itself is exhausted or reduced to the tricks of mountebanks or the lies of fools. But for more than 1,500 years it was universally believed that the Bible established in the clearest manner the existence of sorcery, as a crime hateful to God and man: it was supported by an immense amount of positive evidence; it was condemned by the Church; it was prosecuted by law, and tens of thousands of victims expiated this delusion in the most cruel torments.

'Nations that were completely separated by position, by interests, and by character, on this one question were united. In almost every province of Germany, but especially in those where clerical influence predominated, the persecution raged with a fearful intensity. Seven thousand victims are said to have been burned at Treves, six hundred by a single bishop of Bamberg, and eight hundred in a single year in the bishopric of Wurtzburg. In France, decrees were passed on the subject by the Parliaments of Paris, Toulouse, Bourdeaux, Rheims, Rouen, Dijon, and Rennes, and they were all followed by a harvest of blood. At Toulouse, the seat of the Inquisition, four hundred persons perished for sorcery at a single execution, and fifty at Douay in a single year. Rémy, a judge of Nancy, boasted that he had put to death eight hundred witches in sixteen years. The executions that took place at Paris in a few months, were, in the emphatic words of an old writer, "almost infinite." The fugitives who escaped to Spain, were there seized aud burned by the Inquisition. In that country the persecution spread to the smallest towns, and the belief was so deeply rooted in the popular mind, that a sorcerer was burnt as late as 1780. Torquemada devoted himself to the extirpation of witchcraft as zealously as to the extirpation of heresy, and he wrote a book upon the enormity of the crime. In Italy a thousand persons were executed in a single year in the province of Como; and in other parts of the country, the severity of the inquisitors at last created an absolute rebellion. The same scenes were enacted in the wild valleys of Switzerland and of Savoy. In Geneva, which was then ruled by a bishop, five hundred alleged witches were executed in three months; forty-eight were burnt at Constance or Ravensburg, and eighty in the little town of Valery, in Savoy. In 1670, seventy persons were condemned in Sweden, and a large proportion of them burnt. And these are only a few of the more salient events in that long series of persecutions which extended over almost every country, and con-

tinued for centuries with unabated fury. The Church of Rome proclaimed in every way that was in her power the reality and the continued existence of the crime. She strained every nerve to stimulate the persecution. She taught by all her organs that to spare a witch was a direct insult to the Almighty, and to her ceaseless exertions is to be attributed by far the greater proportion of the blood that was shed. In 1484, Pope Innocent VIII. issued a bull, which gave a fearful impetus to the persecution, and he it was who commissioned the Inquisitor Sprenger, whose book was long the recognised manual on the subject, and who is said to have condemned hundreds to death every year. Similar bulls were issued by Julius II. in 1504, and by Adrian VI. in 1523. A long series of Provincial Councils asserted the existence of sorcery, and anathematised those who resorted to it. The universal practice of the Church was to place magic and sorcery among the reserved cases, and at Prones to declare magicians and sorcerers excommunicated; and a form of exorcism was solemnly inserted in the ritual. Almost all the great works that were written in favour of the executions were written by ecclesiastics. Almost all the lay works on the same side were dedicated to and sanctioned by ecclesiastical dignitaries. Ecclesiastical tribunals condemned thousands to death, and countless bishops exerted all their influence to multiply the victims. In a word, for many centuries it was universally believed, that the continued existence of witchcraft formed an integral part of the teaching of the Church, and that the persecution that raged through Europe was supported by the whole stress of her infallibility.

'Such was the attitude of the Church of Rome with reference to this subject, but on this ground the Reformers had no conflict with their opponents. The credulity which Luther manifested on all matters connected with diabolical intervention, was amazing, even for his age; and, when speaking of witchcraft, his language was emphatic and unhesitating. "I would have no compassion on these "witches," he exclaimed, "I would burn them all!" In England the establishment of the Reformation was the signal for an immediate outburst of the superstition; and there, as elsewhere, its decline was represented by the clergy, as the direct consequence and the exact measure of the progress of religious scepticism. In Scotland, where the Reformed ministers exercised greater influence than in any other country, and where the witch trials fell almost entirely into their hands, the persecution was proportionately atrocious. Probably the ablest defender of the belief was Glanvil, a clergyman of the English Establishment; and one of the most influential was Baxter, the greatest of the Puritans. It spread, with Puritanism, into the New World; and the executions in Massachusetts form one of the darkest pages in the history of America. The greatest religious leader of the last century was among the latest of its supporters.' (Vol. i. p. 8.)

The great and general cause of this degrading superstition, which so long infected Christian as well as savage nations, is the belief that the world is haunted by malignant presences

and powers, ever fighting against the laws of God and the conscience of man. Nothing, indeed, can be conceived more opposite to a pure and enlightened conception of the power and goodness of the Almighty than this base fear of evil spirits: and Mr. Lecky shows with considerable ingenuity that it was from paganism that this belief was imported into Christianity. The evil spirits of the early Christians were the pagan deities. The word demon, which among the pagans signified only a spirit below the level of a Divinity, among the Christians signified a Devil. Tertullian and St. Augustine enumerated with frightful precision whole armies of these unseen enemies of mankind.

'The terror which such a doctrine must have spread among the early Christians may be easily conceived. They seemed to breathe an atmosphere of miracles. Wherever they turned, they were surrounded and beleaguered by malicious spirits, who were perpetually manifesting their presence by supernatural acts. Watchful fiends stood beside every altar; they mingled with every avocation of life, and the Christians were the special objects of their hatred. All this was universally believed; and it was realised with an intensity which, in this secular age, we can scarcely conceive. It was realised as men realise religious doctrines, when they have devoted to them the undivided energies of their lives, and when their faith has been intensified in the furnace of persecution.' (Vol. i. p. 28.)*

Yet, strange as it may appear, it was not in the ages when Europe was still more than half heathen, or in the ages which succeeded the invasion of the barbarians, that the dread of magic was most intense. The trials for witchcraft reached their climax in the fifteenth and sixteenth centuries. Amidst the great upheavings of the Reformation—when the Church was torn by schism and rotten with corruption—when strange and unparalleled crimes polluted every Court and every class in Europe—and when these crimes were thought less criminal and less damnable than the results of free inquiry, no wonder that the belief in Satanic agency reached its utmost intensity. The Inquisition itself was not more convinced of the reality of devilries and witchcraft than the great Reformers, and indeed all the ablest men of many centuries. The reason is that

* Mr. Thomas Wright, in his recently published 'History of Cari-'cature and Grotesque in Literature and Art,'—a very ingenious and amusing volume, illustrated with taste and learning,—has devoted a chapter (p. 61) to the comic or grotesque view of diabolical power, which prevailed in the middle ages. His 'Demon of Notre 'Dame,' who still looks down in stone from the external gallery of Notre Dame de Paris, over that great capital, is the very type of the Spirit of Evil (p. 74).

the measure of probability and truth was to their minds and methods of reasoning essentially theological, and had no connexion with experience. They saw no reason to question the recurrence of miraculous events analogous to those related in the Scriptures. They held with the force of a religious tenet the activity of a personal and objective Satanic agency in life; and all the grotesque, ferocious, and obscene consequences of demonology were easily drawn from that principle.

'If we could perceive evil spirits, untrammelled by the laws of matter, actually hovering around us; if we could observe them watching every action with a deadly malignity, seeking with all the energies of superhuman power the misery of mankind; and darkening with their awful aspect every sphere in which we move; if we could see the angel of destruction brandishing the sword of death over the Assyrian hosts, or over the streets of Jerusalem; and could behold Satan transporting Christ through the air, or the demoniacs foaming in agony beneath his grasp, we should probably reason on these matters in much the same spirit as the theologians of the fifteenth and sixteenth centuries. Our minds would be so pervaded by these awful images, that they would form a measure of probability entirely different from that which is formed by the experience of life; a nervous consciousness of the continual presence of evil spirits would accompany us for ever; and would for ever predispose us to discover manifestations of their power.' (Vol. i. p. 89.)

It is hardly conceivable at the present day how recently the belief in witchcraft has been extirpated even amongst ourselves. To call it by its right name, this devil-worship is hardly dead yet. When James I. mounted the throne of England, he brought with him all the frantic superstition of the Scotch Puritan Church on Satanic power and the invisible world. A law was enacted when Coke was Attorney-General and Bacon in Parliament which subjected witches to death on the first conviction, even though they should have done no harm to any one. During the fanaticism of the Commonwealth, this persecution raged. Sixty persons were hanged for witchcraft in Suffolk in one year. Glanvil's 'Sadducismus Triumphatus' (of which Mr. Lecky gives a powerful description) was published in defence of the superstition of 1680*; the pious and

* Joseph Glanvil was Rector of Frome, Chaplain to Charles II. and a fellow of the Royal Society. It is extremely curious that Glanvil, one of the last advocates of the belief in witchcraft, should at the same time have been one of the first champions of religious toleration—a proof, in spite of Mr. Buckle and Mr. Lecky, that scepticism is not the sole parent of liberal opinions, unless indeed it may have been with Glanvil, as it is with some of the sceptics of

excellent Dr. Henry More shared in this belief; Baxter's 'Cer-
'tainty of the World of Spirits' and Cotton Mather's 'Trials'
in New England were even later. Yet before the middle of the eighteenth century, the belief in demonology was extinct in England among the educated classes. There are forms, indeed, in which it still survives. It lingers among the superstitions of the peasantry; for no longer ago than September 1863, an old man was mobbed to death for a wizard in the county of Essex, and here and there an old woman may still be in danger of the horse-pond. But it survives yet more in the dangerous and blasphemous language which is still used from the pulpit to impersonate the power of Evil, as if the Devil were (as we remember to have heard Robert Montgomery say in a church at Glasgow) 'the caricaturist of God
'Almighty.' These horrible expressions, which are used to give an objective reality and force to the bad passions and desires of the human heart, are a fruitful source of delusions: they invest religion herself with terrors not her own; and they convert the sublimest truths which it has entered into the heart of man to conceive into vehicles of superstition and incentives to persecution.

For the transition is an easy one from the belief in witchcraft to the belief in the miraculous powers and spiritual authority claimed by the Romish Church. If demons were to be cast out of witches by fire and faggot, not less was the demon of heresy to be cast out, which was likewise a possession by the Evil One. If men and women were doomed to everlasting perdition for trafficking with the great Enemy of mankind, not less certain did it appear that the moral guilt of error of opinion deserved nothing short of persecution in this world and damnation in the next. In fact, in the eyes of the Church, this perversity of judgment, this deflexion of reason and of faith, were as much the work of the Devil as any other form of incantation. The same machinery was brought to bear against sorcery and freedom of thought. The same fate awaited their victims. And that fate, terrible as it was in this

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our own day, that those who are most incredulous of religious truths are the most credulous of old women's stories. Certain it is that Glanvil's Treatise on 'The Vanity of Dogmatising' was a defence of universal toleration. But what does Mr. Lecky mean by asserting that 'the effects of this tendency were soon manifested in the laws,
'and that in 1677 *the power of putting heretics to death was with-*
'drawn from the Bishops'? (vol. ii. p. 89). He surely cannot suppose that Bishops, and especially English Bishops, had at any time that power.

world, was light in comparison with the eternal torments awarded hereafter to those who might presume to differ on the interpretation of a text or on a point of dogmatic teaching. That religious error was itself the worst of crimes was before the Reformation the universal teaching of the Christian Church; and it was the distinctive doctrine of her theologians —or of those, we should say, who had usurped her authority— that sufferings more excruciating than any the imagination could conceive were reserved for millions, and might be the lot of the most benevolent and heroic of mankind. (Vol. i. p. 345.) This, no doubt, is the true explanation of that spirit of persecution, which is equally opposed to the spirit of the Gospel and the spirit of truth. Men are not naturally so brutal and ferocious as to burn each other without a powerful motive. But that motive was supplied by the harsh and unpitying character of their theological belief. The flames of Hell, which the eloquence of the pulpit, and the decorative arts brought so vividly before them, were realised in the *Auto da fé*. The continual spectacle of the sufferings of the damned was represented by many of the Fathers—by St. Augustine himself—to be a part of the bliss of Heaven. Men became callous to sufferings inflicted in the name of God and the Church, until they reached the monstrous belief that Christianity implied the eternal torture of a vast proportion of their fellow-creatures, and that all the torments they could inflict in this world were but a faint prelude to the never-dying anguish of that which is to come. With great force, Mr. Lecky says:—

'If you make the detailed and exquisite torments of multitudes the habitual object of the thoughts and imaginations of men, you will necessarily produce in most of them a gradual indifference to human suffering, and in some of them a disposition to regard it with positive delight. If you further assure men that these sufferings form an integral part of a revelation which they are bound to regard as a message of good tidings, you will induce them to stifle every feeling of pity, and almost to encourage their insensibility as a virtue. If you end your teaching by telling them that the Being who is the ideal of their lives, confines His affection to the members of a single Church, that He will torture for ever all who are not found within its pale, and that His children will for ever contemplate those tortures in a state of unalloyed felicity, you will prepare the way for every form of persecution that can be directed against those who are without. He who most fully realised these doctrines, would be the most unhappy or the most unfeeling of mankind. No possible prospect of individual bliss could reconcile a truly humane man who followed the impulse of his humanity, to the thought that those who were external to his faith were destined to eternal fire. No truly humane man could avoid wishing, that rather than this

should be the case, he and all others should sleep the sleep of annihilation.' (Vol. i. p. 354.)

The unanimous belief of the early Church was that all those without her pale would perish everlastingly. That sentence is still retained in the damnatory clause of the Athanasian Creed, read by our own Church several times a year; and it has recently been re-asserted in the last Encyclical of Pius IX. which condemns the hateful doctrine that there are many ways of salvation. The direct inference from this tenet is the final condemnation of large classes of human beings—of infants unbaptised, of whom it was said by a theologian that he 'doubted 'not there were infants not a span long crawling about the 'floor of Hell'—of all heathen nations on whom the light of the Gospel has never shone—of all nations professing other religions, not only the Hindoos, Buddhists, Parsees, and Mahometans, but particularly and especially the Jews, who profess a religion admitted to have been bestowed on them from on High—and lastly of all heretics whatsoever, that is of all those who fall short of the standard of ecclesiastical jurisdiction in dogmatic theology. And we may here remark, in answer to those who advocate the re-establishment even in this country of an ecclesiastical tribunal for the trial of causes of doctrine, that the true type of such a tribunal was the Inquisition. The very origin of that institution was to monopolise the punishment of heresy. It placed itself in direct opposition to the civil power. It set at nought the law. It ousted even the bishops; and it was the very centre of the ecclesiastical jurisdiction of Rome.

The world knows—it were idle to repeat the tale—to what consequences these doctrines led. Men were stripped of all the rights of our common humanity, because they worshipped God after the manner of their fathers or disputed an article in a creed; provinces were depopulated; hundreds of thousands of human beings were burnt, hanged, tortured, enslaved. To read the annals of the most polished states of Europe not three centuries ago, is to read the annals of a slaughter-house. Thank God! these curses have abated. The most blind and bigoted must acknowledge that a great change for the better has come over the world. The faggot no longer blazes at Seville or Valladolid—the dungeon doors are open—a single act of religious persecution is now indignantly denounced throughout the world. To what beneficent agency is this change mainly due? Not, says Mr. Lecky, to Protestantism alone, for the Protestant leaders persecuted in their palmiest days just as systematically and as fiercely as their Catholic opponents, as long as they took

their stand on a fixed basis of dogmatic theology. But inasmuch as Protestantism asserted the right and duty of private inquiry, it destroyed the very principle on which persecution rested.

'Its central conception is the elevation of conscience into a position of supreme authority as the religious organ, a verifying faculty discriminating between truth and error. It regards Christianity as designed to preside over the moral development of mankind, as a conception which was to become more and more sublimated and spiritualised as the human mind passed into new phases, and was able to bear the splendour of a more unclouded light. Religion it believes to be no exception to the general law of progress, but rather the highest form of its manifestation, and its earlier systems but the necessary steps of an imperfect development. In its eyes the moral element of Christianity is as the sun in heaven, and dogmatic systems are as the clouds that intercept and temper the exceeding brightness of its ray. The insect whose existence is but for a moment might well imagine that these were indeed eternal, that their majestic columns could never fail, and that their luminous folds were the very source and centre of light. And yet they shift and vary with each changing breeze; they blend and separate; they assume new forms and exhibit new dimensions; as the sun that is above them waxes more glorious in its power, they are permeated and at last absorbed by its increasing splendour; they recede, and wither, and disappear, and the eye ranges far beyond the sphere they had occupied into the infinity of glory that is above them.' (Vol. i. p. 182.)

But it was long before Protestants acknowledged or acted upon the principle of their own creeds.

'The doctrine of private judgment is inconsistent with persecution just as it is inconsistent with the doctrine of exclusive salvation, and with the universal practice of all sections of early Protestants in their dealings with error. If man is bound to form his opinions by his private judgment, if the exercise of private judgment is both a duty and a right, it is absurd to prescribe beforehand the conclusion to which he must arrive, to brand honest error as criminal, and to denounce the spirit of impartiality and of scepticism as offensive to the Deity. This is what almost all the Protestant leaders did in the sixteenth and seventeenth centuries, and what a very large proportion of them still do, and it was out of this conception of the guilt of error that persecution arose.' (Vol. ii. p. 60.)

The change, then, was mainly due not to the men who sought to substitute one theological creed for another, but to those philosophers who looked at truth with other eyes and vindicated the right of difference of opinion. Mr. Lecky has traced this history of toleration with great power of discrimination in the respective schools of France and England.

'The intellectual basis of French toleration is to be found in that great sceptical movement which originated towards the close of the sixteenth century, and which at last triumphed in the Revolution. In no other country had that movement been so powerful, not only on account of the great ability with which it was conducted, but also from the curious fact that its first three leaders represented three entirely different casts of mind, and acted in consequence upon three different sections of society. The scepticism of Montaigne was that of a man of the world; the scepticism of Descartes was that of a philosopher; the scepticism of Bayle was that of a scholar. Montaigne, looking with an impartial eye on the immense variety of opinions that were maintained with equal confidence by men of equal ability, and judging all subjects by a keen, worldly, and somewhat superficial common sense, arrived at the conclusion that it was hopeless seeking to ascertain what is true; that such a task transcended the limits of human powers; and that it was the part of a wise man to remain poised with an indifferent mind between opposing sects. As a consequence of this he taught for the first time, or almost for the first time, in France, the innocence of error and the evil of persecution. Descartes had a far greater confidence in human faculties, but he had also a far greater distrust of the ordinary judgments of experience. He taught men that the beginning of all wisdom is absolute, universal scepticism; that all the impressions of childhood, all the conclusions of the senses, all of what are deemed the axioms of life, must be discarded, and from the simple fact of consciousness the entire scheme of knowledge must be evolved. Like many of the greatest philosophers, Descartes did not pause to apply his principles to practical life, but their influence was not the less great. The scepticism which he made the beginning of wisdom, and the purely rational process by which that scepticism was at last dispelled, were alike inconsistent with a system which esteemed doubt a sin, and which enforced conviction by the brand.

'The intellect of Bayle was very different from those of his predecessors, and was indeed in some respects almost unique. There have been many greater men, but there never perhaps was one who was so admirably fitted by his acquirements and his abilities, and even by the very defects of his character, to be a perfect critic. With the most profound and varied knowledge he combined to an almost unrivalled extent the rare faculty of assuming the standing-point of the system he was discussing, and of developing its arguments as they would have been developed by its most skilful advocate. But while he possessed to the highest degree that knowledge and that philosophical perception which lay [laid] bare the hidden springs of past beliefs, he appeared to be almost absolutely destitute of the creative power, and almost absolutely indifferent to the results of controversy. He denied nothing. He inculcated nothing. He scarcely exhibited any serious preference. It was his delight to bring together the arguments of many discordant teachers, to dissect and analyse them with the most exquisite skill, and then to develope

them till they mutually destroyed one another. His genius was never so conspicuous as when lighting up the wrecks of opposing systems, exhuming the shattered monuments of human genius to reveal their nothingness and their vanity. In that vast repertory of obscure learning from which Voltaire and every succeeding scholar have drawn their choicest weapons, the most important and the most insignificant facts, the most sublime speculations to which man can soar, and the most trivial anecdotes of literary biography, lie massed together in all the irony of juxtaposition, developed with the same cold but curious interest, and discussed with the same withering sardonic smile. Never perhaps was there a book that evinced more clearly the vanity of human systems or the disintegrating power of an exhaustive inquiry. To such a writer nothing could be more revolting than an exclusive worship of one class of opinions, or a forcible suppression of any of the elements of knowledge. Intellectual liberty was the single subject which kindled his cold nature into something resembling enthusiasm. In all he wrote he was its earnest and unwavering advocate, and he diffused his own passion among the scholars and antiquarians of whom he was the chief.' (Vol. ii. p. 62.)

To this object, even more than in his Dictionary, Bayle applied himself in a now almost forgotten work, entitled 'Contrains-les d'entrer,' which was published under a feigned name. Mr. Lecky regards this book as one of the most valuable contributions to theology during the seventeenth century, and as forming more than any other work the foundation of modern rationalism and toleration. His analysis of it will be new to most of his readers.

It may be objected that the French champions of free inquiry were sceptics—men of no fixed belief—and that their principles led their followers to a total denial both of the doctrines and of the divine authority of Christianity. But it is the glory of our own literature that the same enlarged views were put forth by men who will ever remain the great lights of the Anglican Church, and although Mr. Lecky is sometimes disposed to judge of that church with severity, he himself does full justice to her noblest sons. In England, he remarks, the most illustrious of the advocates of toleration were men who were earnestly attached to positive religion. Their writings are still among the classics of our Church: and on the other hand the greatest anti-Christian writer of that age, Hobbes, was also the most unflinching supporter of persecution.

'When men have appreciated the countless differences which the exercise of that judgment must necessarily produce, when they have estimated the intrinsic fallibility of their reason, and the degree in which it is distorted by the will, when, above all, they have acquired that love of truth which a constant appeal to private judgment at

last produces, they will never dream that guilt can be associated with an honest conclusion, or that one class of arguments should be stifled by authority. In the seventeenth century, when the controversies with Catholicism had brought the central principle of Protestantism into clear relief, and when the highest genius of Europe still flowed in the channels of divinity, this love of truth was manifested in the greatest works of English theology to a degree which no other department of literature has ever equalled. Hooker, unfolding with his majestic eloquence the immutable principles of eternal law; Berkeley, the greatest modern master of the Socratic dialogue, asserting the claims of free thought against those who vainly boasted that they monopolised it, and pursuing with the same keen and piercing logic the sophisms that lurked in the commonplaces of fashion and in the obscurest recesses of metaphysics; Chillingworth, drawing with a bold and unfaltering hand the line between certainties and probabilities, eliminating from theology the old conception of faith considered as an unreasoning acquiescence, and teaching that belief should always be strictly "proportionable to "the credibility of its motives;"—these and such as these, even when they were themselves opposed to religious liberty, were its real founders. Their noble confidence in the power of truth, their ceaseless struggle against the empire of prejudice, their comprehensive views of the laws and limits of the reason, their fervent passionate love of knowledge, and the majesty and dignity of their sentiments, all produced in England a tone of thought that was essentially opposed to persecution, and made their writings the perennial source by which even now the most heroic natures are invigorated.' (Vol. ii. p. 78.)

Nor is he less just to Harrington, Milton, and Jeremy Taylor:—

'The last name I have mentioned is Taylor, whose "Liberty of "Prophesying" is, if we except "The Religion of Protestants," unquestionably the most important contribution of the Anglican Church towards toleration. It is scarcely possible to read it without arriving at an invincible conviction that it expressed the genuine sentiments of its author. Its argument is based upon latitudinarian principles, which appear more or less in all his writings, and its singularly indulgent tone towards the Catholics, its earnest advocacy of their claims to toleration, which would hardly have been expected from so uncompromising a Protestant as the author of "The "Dissuasive from Popery," was certainly not intended to propitiate the Puritans. Besides this, the whole book is animated with a warmth and tenderness of charity, a catholicity of temper biassing the judgment in favour of mercy, which could scarcely have been counterfeited. This was indeed at all times the most amiable characteristic of Taylor. His very style—like the murmur of a deep sea, bathed in the sun—so richly coloured by an imagination that was never disunited from the affections, and at the same time so sweetly cadenced, so full of gentle and varied melodies, reflects his

character; and not the less so because of a certain want of nervousness and consistency, a certain vagueness and almost feebleness which it occasionally displays.' (Vol. ii. p. 86.)

We proceed to sum up this portion of the work in Mr. Lecky's own words:—

'The question, What is truth? has certainly no prospect of obtaining a speedy answer; but the question, What is the spirit of truth? may be discussed with much greater prospect of agreement. By the spirit of truth, I mean that frame of mind in which men who acknowledge their own fallibility, and who desire above all things to discover what is true, should adjudicate between conflicting arguments. As soon as they have distinctly perceived that reason, and reason alone, should determine their opinions, that they never can be legitimately certain of the truth of what they have been taught till they have both examined its evidence and heard what can be said against it, and that any influence that introduces a bias of the will is necessarily an impediment to inquiry, the whole theory of persecution falls at once to the ground. For the object of the persecutor is to suppress one portion of the elements of discussion; it is to determine the judgment by an influence other than reason; it is to prevent that freedom of inquiry which is the sole method we possess of arriving at truth. The persecutor never can be certain that he is not persecuting truth rather than error, but he may be quite certain that he is suppressing the spirit of truth. And indeed it is no exaggeration to say that the doctrines I have reviewed represent the most skilful, and at the same time most successful, conspiracy against that spirit that has ever existed among mankind. Until the seventeenth century, every mental disposition which philosophy pronounces to be essential to a legitimate research was almost uniformly branded as a sin, and a large proportion of the most deadly intellectual vices were deliberately inculcated as virtues. It was a sin to doubt the opinions that had been instilled in childhood before they had been examined. It was a virtue to hold them with unwavering, unreasoning credulity. It was a sin to notice and develope to its full consequences every objection to those opinions, it was a virtue to stifle every objection as a suggestion of the devil. It was sinful to study with equal attention and with an indifferent mind the writings on both sides, sinful to resolve to follow the light of evidence wherever it might lead, sinful to remain poised in doubt between conflicting opinions, sinful to give only a qualified assent to indecisive arguments, sinful even to recognise the moral or intellectual excellence of opponents. In a word, there is scarcely a disposition that marks the love of abstract truth, and scarcely a rule which reason teaches as essential for its attainment, that theologians did not for centuries stigmatise as offensive to the Almighty. By destroying every book that could generate discussion, by diffusing through every field of knowledge a spirit of boundless credulity, and, above all, by persecuting with atrocious cruelty those who differed from their opinions, they succeeded for a

long period in almost arresting the action of the European mind, and in persuading men that a critical, impartial, and inquiring spirit was the worst form of vice. From this frightful condition Europe was at last rescued by the intellectual influences that produced the Reformation, by the teaching of those great philosophers who clearly laid down the conditions of inquiry, and by those bold innovators who with the stake of Bruno and Vanini before their eyes dared to challenge directly the doctrines of the past. By these means the spirit of philosophy or of truth became prominent, and the spirit of dogmatism, with all its consequences, was proportionately weakened. As long as the latter sprit possessed an indisputable ascendancy, persecution was ruthless, universal, and unquestioned. When the former spirit became more powerful, the language of anathema grew less peremptory. Exceptions and qualifications were introduced; the full meaning of the words was no longer realised; persecution became languid; it changed its character: it exhibited itself rather in a general tendency than in overt acts; it grew apologetical, timid, and evasive. In one age the persecutor burnt the heretic; in another, he crushed him with penal laws; in a third, he withheld from him places of emolument and dignity; in a fourth, he subjected him to the excommunication of society. Each stage of advancing toleration marks a stage of the decline of the spirit of dogmatism and of the increase of the spirit of truth.' (Vol. ii. p. 97.)

We pass from these considerations, which bear more directly on the history of religious opinions, to the second portion of Mr. Lecky's work, in which he describes the gradual effect of increased reason and moderation on the political and social condition of the world. Our limits forbid us to enter upon his very intelligent and graceful examination of the effects of theological opinions on Art (vol. i. p. 213–286), a passage of singular depth and beauty—which it is impossible for us to discuss as fully as it deserves. We turn rather to what he terms 'the secularisation of politics,' that is, the change which has taken place in the theory of government, by the abandonment of those theological propositions on which it was once supposed to rest, and the gradual diffusion of a more liberal spirit in the political relations of mankind. The greater part of the fierce wars and contests which have devastated the world have sprung either from differences of religious faith or from differences of a political theory. For men will persecute and fight each other, not from a preconceived theory of religion alone, but from a theory of civil government or political power —from attachment to a dynasty as much as from attachment to a creed—from the dogmatism of revolution as much as from the dogmatism of faith. The spirit in which Robespierre consigned to the guillotine thousands of innocent victims, was

not far distant from the spirit of Torquemada; and the ferocious indifference to human life with which the Americans of the Northern States have immolated hosts of their countrymen to the maintenance of their idea of 'the Union,' is just as violent an act of intolerance as the most virulent persecution of a relentless Church. In other words, they cannot endure that men should think and act differently from themselves: and what they cannot obtain by conviction they would impose by coercion. In other ages, such a contest might have seemed the natural result of a struggle for power; but in our own, it is regarded with abhorrence by a large proportion of mankind, as an unrighteous attempt to crush the spirit of liberty and the rights of independent judgment by force.*

For the truth is, that the same power which has disarmed the dogmatism of theology has to a considerable extent disarmed the dogmatism of party. Party-spirit is sectarianism, inflamed by passion, and carried to the height of an exclusive faith in the conduct of civil affairs. It requires, not only that a man should be firmly persuaded that his own adherents and himself are absolutely right, but that all his opponents are absolutely wrong—that their accession to power must be calamitous to the nation—that their leaders are destitute of ability, degraded in character, and stained by every public and private iniquity; and absurd as such opinions may seem to us at this moment, the time is not far gone when they were believed to be entirely true and essential to the maintenance of the British Constitution. Long after the belief in theological infallibility had been blown to the winds, and by men who would have scouted such a pretension to impose on their independence, the allegiance of party exacted and obtained a subserviency of opinion and of conduct as complete as was ever paid to the papal power; and in the party contests which arose we may trace no inconsiderable remains of the spirit of persecution. But the same temper and disposition of mind

* The treatment of the Federal prisoners of war by the Southern States is alleged, we believe with truth, to have been cruel, and this circumstance furnishes another proof of the inhuman character of such a conflict. But it gave rise to a remarkable proceeding in the Northern Congress. A resolution of the Committee on Military Affairs was called up by Mr. Wade of Ohio to enjoin on President Lincoln measures of retaliation *to imitate as precisely as possible* the barbarism of their adversaries, by inflicting the same sufferings on innocent persons. Happily the eloquent voice of Mr. Charles Sumner was raised in the Senate of the United States against this atrocious piece of legislation, and we trust it has been abandoned.

which dispose men to tolerate diversities of opinion in religion, render them more forbearing towards men of a different opinion in politics. They recollect that, after all, our common interests far exceed our points of difference; and that with the best lights we any of us possess, we may have something to learn from our opponents. 'The spirit of sectarianism,' says Mr. Lecky, 'transmigrates into political discussion, and assumes 'the form of intense party-spirit. But the increasing tendency 'of political life seems to be to weaken and efface this spirit, 'and in the more advanced stages of free government it almost 'disappears. A judicial spirit is fostered which leads men both 'in politics and theology to eclecticism, to judge all ques-'tions on the ground of their exclusive merits and not at all 'according to their position in theological systems:' and he goes on to argue that the more the range of political interests is extended the more this tendency to efface party distinctions, as such, will increase. The present state of political opinion in this country, and we may add in France, confirms in a remarkable manner the truth of this acute observation. There are political opinions, widely diffused, but there are no parties, properly so called, because there is no absolute faith in any political leader or political creed. The course of public affairs is determined, not so much by the conflict of two great factions contending for power, and irreconcilably opposed in their mode of exercising it, as by the gradual formation and final ascendancy of common opinion, the result of discussion and education, which rises like the tide, and eventually carries everything before it. Events may indeed arise to change this state of feeling, but the true cause of it is the more enlarged method of viewing public questions in relation to the national interest and to established principles of good government.

In like manner, various changes are now taking place in the world without opposition, which but a few years ago would have called forth the fiercest resistance. Several States have thought fit to change their rulers and their forms of government, and their desire has been acquiesced in: such insurrections would have been regarded in former centuries as mortal sins, acts of resistance to the divine right entrusted to sovereigns, and a presumptuous defiance of the laws of Heaven. The whole theory of regal and papal power rested on the basis of divine authority, and even if the people had conferred sovereignty upon their ruler, it was held that they were incapable of withdrawing it, and certainly the doctrine of non-resistance was preached and held even by the most liberal

thinkers of the Church of England, until she was roused to combat the aggressions of James II. on her own liberties.

Mr. Lecky might have taken a further illustration of his theory from the history of the changes which have occurred in the admissibility of evidence in courts of law. Evidence is the material on which justice operates, and it is essential to the administration of law, the defence of life, the security of property. To invoke the Almighty Being from whom no secrets are hid has in all ages been regarded as the supreme test of truth. But the time is not very remote when the law of England made dogmatic theology the test of veracity, and held that no truth at all was to be expected from those who did not hold the verities of the Christian religion. For said Lord Coke in Calvin's Case (7 Co. 17), 'all infidels are in law perpetual 'enemies; for between them, as with the devils whose subjects 'they are, and the Christians, there is perpetual hostility and 'can be no peace. Quæ conventio Christi cum Belial? And 'herewith agreeth the book 12th Henry VIII., where it is 'holden that a pagan cannot maintain any action at all.'

This passage was quoted by Chief Justice Willes, in his celebrated judgment delivered in the 18th Geo. II., on the case of Omichund *v.* Barker, which first established the admissibility of the oath of a Hindoo in English courts of justice. He quoted the dictum of Lord Coke, but he quoted it to refute it. 'This notion, though advanced by so great a man, is, I 'think, contrary not only to the Scriptures, but to common 'sense and common humanity: and I think that even the 'devils themselves, whose subjects he says the heathen are, 'cannot have worse principles: and besides the irreligion of it, 'it is a most impolitic notion, and would at once destroy all 'trade and commerce, from which this nation reaps such great 'benefits. It is a little mean narrow notion to suppose that no 'one but a Christian can be an honest man. There are in 'every nation men that fear God and work righteousness: such 'men are certainly *fide digni* and very proper to be admitted 'as witnesses.' A remarkable proof of the progress of reason and humanity in the space of 150 years, so that the bigotry, which in the time of Elizabeth and James excluded whole nations not believing in Christ from the common rights of humanity, became even in the time of George II. an exploded prejudice and a reproach to our elder lawyers.

We have acquitted Mr. Lecky of a love of paradox, but there is one passage in his second volume in which he appears to us to have sacrificed fact to theory. He says,

'The sense of human dignity was the chief moral agent of anti-

quity, and the sense of sin of mediævalism; and although it is probable that the most splendid actions have been performed by men who were exclusively under the influence of one or other of these sentiments, the concurrence of both is obviously essential to the wellbeing of society, for the first is the especial source of the heroic, and the second of the religious, virtues. The first produces the qualities of a patriot, and the second the qualities of a saint. In the middle ages, the saintly type being the standard of perfection, *the heroic type was almost entirely unappreciated.*' (Vol. ii. p. 221.)

The whole spirit of chivalry protests against this assertion. Our own Poet Laureate has recently drawn in no unworthy strains the faithful portrait of the Christian knight,—

> 'Who reverenced his conscience as his king;
> Whose glory was redressing human wrong:'

and by whatever standard the 'heroic type' be measured—by courage, endurance, self-sacrifice, self-reliance, justice, or truth—the heroes of the ages of faith from Tancred to Bayard, from Bayard to Sidney, fear no comparison with the heroes of antiquity; and the romantic poetry of the middle ages still conveys to us the liveliest appreciation of their character.

We have now reached the point in Mr. Lecky's well-ordered task, at which he turns to the 'Industrial History of Ration-'alism'—that is, to the gradual destruction of those fallacies which lay like heavy burdens on the material progress of the labouring classes. The progress of wealth and the introduction of machinery cheapened production and augmented the wages of labour: the invention of paper and of printing reduced the cost of knowledge and diffused it over the world: the art of war was changed by the victories of the infantry of England and Switzerland over the chivalry of France and Burgundy, and by the invention of gunpowder: lastly, the slow progress of the truths of political economy taught men the real conditions of national prosperity, and dissipated a cloud of those errors on which it was once supposed to rest. These were the remote sources of that revolution which had its precursors in the genius and intelligence of the eighteenth century; which broke forth in the eruption of 1789, fatal to the monarchy of France; and which still permeates the masses of the people with its regenerating power. For however we may condemn the acts of violence and ignorance which have marked some of the stages of its progress, it is impossible to look back into history, even the distance of a single life, without recognising the beneficent effects of these changes on mankind. Mr. Lecky describes the transformation with a burst of more than his wonted eloquence and enthusiasm.

'For the first time, in the eighteenth century, they penetrated to the masses of the people, stirred them to their lowest depths, and produced an upheaving that was scarcely less general than that of the Reformation. The history of the movement was like that of the enchanted well in the Irish legend, which lay for centuries shrouded in darkness in the midst of a gorgeous city, till some careless hand left open the door that had enclosed it, and the morning sunlight flashed upon its waters. Immediately it arose responsive to the beam; it burst the barriers that had confined it; it submerged the city that had surrounded it; and its resistless waves, chanting wild music to heaven, rolled over the temples and over the palaces of the past.

'There is no fact more remarkable in this movement than the manner in which it has in many countries risen to the position of a religion—that is to say, of an unselfish enthusiasm uniting vast bodies of men in aspiration towards an ideal, and proving the source of heroic virtues. It is always extremely important to trace the direction in which the spirit of self-sacrifice is moving, for upon the intensity of that spirit depends the moral elevation of an age, and upon its course the religious future of the world. It once impelled the warriors of Europe to carry ruin and desolation to the walls of Jerusalem, to inundate the plains of Palestine with the blood of slaughtered thousands, and to purchase by unparalleled calamities some relics for the devotion of the pilgrim. It once convulsed Europe with religious wars, suspended all pacific operations, and paralysed all secular interests in order to secure the ascendancy of a church or of a creed. It once drove tens of thousands into the retirement of the monasteries; induced them to macerate their bodies, and to mortify their affections; to live in sackcloth and ashes, in cold and poverty and privation, that by such means they might attain their reward. These things have now passed away. The crusader's sword has long been shattered, and his achievements have been idealised by the poet and the novelist. The last wave of the religious wars that swept over so many lands has subsided into a calm that is broken only by the noisy recriminations of a few angry polemics. The monastic system and the conceptions from which it grew are fading rapidly before the increasing day. Celibacy, voluntary poverty, and voluntary subjection, were the three subjects which Giotto painted over the high altar of Assisi as the distinctive characteristics of the saint—the efforts of self-sacrifice that lead to the beatitude of heaven. All of them have now lost their power. Even that type of heroic grandeur which the ancient missionary exhibited, though eulogised and revered, is scarcely reproduced. The spirit of self-sacrifice still exists, but it is to be sought in other fields—in a boundless philanthropy growing out of affections that are common to all religions, and above all in the sphere of politics. Liberty and not theology is the enthusiasm of the nineteenth century. The very men who would once have been conspicuous saints are now conspicuous revolutionists, for while

their heroism and their disinterestedness are their own, the direction these qualities take is determined by the pressure of their age.' (Vol. ii. p. 243.)

Thus it was, for instance, to follow him in the examples on which he has chosen to dilate, that the emancipation of labour from the yoke of slavery was accomplished. The spirit of Christianity moved over the chaotic society of the old civilisation, based on conquest and on slavery: it abolished slavery, it created charity, it inculcated self-sacrifice. The reconstruction of society was mainly the work of Christianity, and on the question of slavery especially it is to the immortal honour of the Church of Rome that she knew no difference between the bond and the free, and that the manumission of the slave was invariably proclaimed by her clergy to be meritorious. She did from motives of piety and humanity that which the soundest wisdom would have prescribed.

Unfortunately the pious inspirations of the Church were not always on the side of economical truth, and some of the grossest delusions which have hung about men's minds till our own times, were strengthened by theological arguments and clerical authority. Take for example the deep-rooted prejudice against the useful and necessary practice of lending money at interest, which gave rise in all states to laws for the repression of usury. The hateful character ascribed to usury descended from pagan antiquity, but it was cordially adopted by the Church. A radical misconception of the nature of interest runs through all the writings of the Fathers, all the casuists of the schools, all the decrees of councils, all the provisions of the Canon Law. The sinfulness of usury—that is of receiving interest at any rate whatever for money lent—was based upon a text of the Prophet Ezekiel (xviii. 17), and condemned by the Church as an illicit way of acquiring wealth. But as the kings of those ages were continually obliged to borrow from those whom the Church forbade to lend, the lucrative practice fell into the hands of the Jews—from them to the Lombards and the Italian cities. In vain the Third Council of the Lateran decreed that no notorious and impenitent usurer should be admitted to the altar, should be absolved at the hour of death, or receive Christian burial. The expansion of commercial enterprise prevailed, and the increase of usury was the result. On this point the battle of authority and reason has been fairly fought out. The Church indeed still stands upon her immutable decrees which brand usury as a mortal sin, and therefore condemn those who are guilty of it to never-ending torments in a future life; but in our time the letters of Mr. Bentham

on Usury gave a deathblow to the legislative folly of three thousand years.

Mr. Lecky has diversified his essay by an ingenious inquiry into the change which has taken place in the character of public amusements, especially in relation to the theatre:—'Combining the three great influences of eloquence, of poetry, 'and of painting, the drama has probably done more than any 'single agent to produce—and, we should say, to gratify—that 'passionate enthusiasm of intellect, out of which all great 'works of imagination have sprung. It has been the seed-'plot of poetry and romance, and it has exercised a consider-'able, though less direct, influence over eloquence.' The Christian Church in its earlier ages proscribed the theatre, which was associated with the barbarous and sensual exhibitions of the Later Empire, and it was not till the time of St. Thomas Aquinas that it was suggested by the seraphic Doctor that 'Officium histrionum, quod ordinatur solatium hominibus 'exhibendum, non est secundum se illicitum,' for it had been revealed to the blessed Paphnutius that a 'joculator' was to be his companion in heaven. This indulgence to the stage was, however, not general, until the Church herself took possession of it by the religious plays, which exercised for centuries an important influence. The burlesque trod upon the heels of the most sacred personages. Satan was made to act a prominent part, and by a strange confusion of ideas at the very time when the power of this awful being was supposed to divide with God the empire of the world, he was degraded to be the clown of a pantomime. Probably the mingled conception of the terrible and the ridiculous which forms, even now, the popular notion of the Devil (as may be seen any day in the performance of Punch) derives its origin from those early ecclesiastical dramas. But if the Church relaxed into toleration of plays, it remained inflexible to actors. They were without the pale of Christian society. With difficulty was a little consecrated earth obtained to cover the remains of Molière, though he had received the last sacraments*; and an actor who did not in his last moments repudiate his profession was buried like a dog. The epitaph of Racine—the devout

* M. Soulié has recently published a very interesting volume of 'Recherches sur Molière,' containing a number of authentic legal documents illustrating his life, which have been collected from the offices of the Notaries of Paris, where they are still deposited. These are very curious and accurate materials for the life of Molière, and we are glad to learn that M. Soulié is also engaged in preparing a complete edition of his works.

Racine—acknowledged that there was one stain on his memory,—he had been a dramatic poet: and as the Archbishop of Paris distinctly prohibited his clergy from marrying actors, they were consigned by the Church herself to a life of concubinage. Even now, in England, and still more in Scotland, amongst the Calvinistic sects some traces of the same bigotry prevails; but in the rest of Europe the victory of reason and good feeling is complete, and the profession of an actor is raised to honour and respect. Upon this, and several similar topics, Mr. Lecky has brought to bear a vast amount of research and speculation, which relieve the more serious portions of his work.

Among the last of the social fallacies which our space allows us to notice, we must place those erroneous conceptions of the nature of trade, which are not yet exploded in any country but our own; and that last and greatest of our social evils—the propensity to war. The nature of money, the true character of the precious metals, the beneficial results produced by the substitution of machinery for manual labour, the demonstration of the joint and common interest of all nations united by the principles of commercial interchange, are all discoveries of so modern a date that their effects on society are still in their infancy. Even in this country, where these truths are now more accurately understood and more thoroughly established than in any other, their ascendancy is recent, and they still rest on the enlightened authority of the higher classes rather than on the conviction of the whole population. In our own colonies, which enjoy entire political freedom, with a degree of political knowledge and experience far below those of the electoral body and the Parliament of England, many of the elementary truths of political economy are still not understood and laws are passed in defiance of them. It would probably be so in England likewise, if paramount political power were transferred to the less educated classes. The progress of good government can only keep pace with the progress of knowledge. But we may hope that the time is not distant, when the fallacies of a mistaken political economy, which were accepted and defended one or two generations ago by men of the first station and ability, will be as thoroughly extinct as the belief in witchcraft.

From these signs of acknowledged improvement Mr. Lecky argues with a confidence which we would not willingly believe to be Utopian, that correct views of political economy are contributing largely to realise the great Christian conception of universal peace and to diminish both the causes and the desire

of war. Difficult as it may be, when we see what is passing round us, to believe that the interests of mankind and the maxims of philosophy will acquire a permanent and absolute dominion over passion and ignorance, yet when we look back on the long roll of the victories already won over these enemies of our race, we do not despair of seeing the tendency to war greatly diminished, and the duration of wars greatly shortened. Indeed to this extent the maintenance of almost unbroken peace in Europe for half a century has already served, though it leaves us burdened with armaments more costly and more formidable than were ever arrayed upon a field of battle. Certain it is, as Mr. Lecky remarks, that the cause of peace has owed little to the influence of the Church, although 'peace 'on earth and good will to men' were the first and fairest promises of Christianity.

'The period when the Catholic Church exercised a supreme ascendancy, was also the period in which Europe was most distracted by wars; and the very few instances in which the clergy exerted their gigantic influence to suppress them, are more than counterbalanced by those in which they were the direct causes of the bloodshed. Indeed, they almost consecrated war by teaching that its issue was not the result of natural agencies, but of supernatural interposition. As the special sphere of Providential action, it assumed a holy character, and success became a proof, or at least a strong presumption, of right. Hence arose that union between the sacerdotal and the military spirit which meets us in every page of history; the countless religious rites that were interwoven with military proceedings; the legends of visible miracles deciding the battle; the trial by combat, which the clergy often wished to suppress, but which nevertheless continued for centuries, because all classes regarded the issue as the judicial decision of the Deity.' (Vol. ii. p. 384.)

In that form at least war has ceased; and if it be still regarded as a stern necessity, it is no longer invoked as a religious duty. But philosophy, it must be admitted, was quite as powerless as religion to restrain men from a convulsion of armed violence, and the French Revolution, which was hailed as the dawn of universal fraternity, soon sank into a paroxysm of the military spirit, in which every right was violated and every interest crushed. The question now is whether the knowledge of the true interests of mankind has made sufficient progress to prevent a recurrence of these calamities and ensure the permanence of the blessings of peace. Mr. Cobden exclaimed the other day in a moment of despondency that although he had been preaching peace all his life, he had been grievously contradicted by the course of events; but it will at

least be acknowledged that if the danger of war still exists, it comes from a different quarter. The wars of kings and governments for the gratification of military ambition, personal resentment, or territorial cupidity are become extremely rare. The upper classes also in all nations, being the wealthiest and most enlightened, are in the main averse to war. It is entirely false to assert that a war could now be declared by this or any country for the gratification of any imaginary aristocratic interests. Aristocratic interests would, on the contrary, pay by far the largest proportion of the penalties of war, without any corresponding advantage to themselves. But unhappily the most powerful causes of war at the present day are precisely the two elements which Mr. Lecky regards with enthusiastic complacency as the last result of social progress, namely, the principle of nationalities and the infusion of a stronger proportion of democracy into civil government. On these two points we are entirely at issue with him, and we think the opinion he has formed on them is directly at variance with the whole spirit of his work. We agree rather with Mr. Merivale in his admirable volume of 'Historical Studies' recently published (p. 12) that 'these antipathies of races constitute the 'worst canker of modern polity;' and to foment them is to foment a never-ending cause of sanguinary hostility. The doctrine that because this or that province happen to speak a different language or to belong to a different race, they cannot live in freedom and concord under the same government, appears to us to be one of the most absurd and mischievous fallacies of this age. It tends to the disintegration of empires which may be united by far more important considerations than those of a dialect; and it would arrange the map of Europe anew on a fanciful principle, which cannot be carried into effect without an immense effusion of blood. In fact, if ever a general war breaks out in Europe for such an object as this, it will be the most conclusive demonstration that men are still governed by motives which excite their passions and their imaginations more than by a sense of their duty as Christians and their interests as citizens. The late invasion of Denmark by Prussia and Austria was such a war, undertaken avowedly under the uncontrollable pressure of German national excitement. Happily for the general interest of the world, other powerful States had the wisdom and forbearance to stifle the indignation excited by so great a wrong; but no event of modern times has more deeply disgraced those who took part in this aggression—second only to the partition of Poland, which originated likewise at the Court of Berlin—for

the German Powers adopted a policy of violence and injustice under the pretence of defending an oppressed nationality.

But no doubt the cause of that war, and of similar wars if they occur, is to be sought in the democratic element which has acquired so great a preponderance in Europe, far more than in the deliberate intentions of sovereigns and statesmen. The German Courts would probably have resisted if they had dared, but the national will was too strong for them. So again, in the contest raging in the United States, it is possible that statesmen, looking calmly to the ultimate welfare of the country and to the maintenance of its freedom, would have sought ere now for some rational mode of terminating the contest—indeed that was the avowed object of the defeated party at the last election; but the mass of the people of the Northern States, in the full possession of absolute and irresponsible power, reckless of the future and irritated by delay, voted for war to the bloody end; and for the present all hope of an abatement of this terrific sacrifice is postponed. These are the dangers we have to dread; and they are dangers which the spirit of nationality and the spirit of democracy have mainly created, and which no amount of philosophy, or rationalism, or political economy can effectually repress. We think, therefore, that although many of the ancient causes of war have ceased under the influence of improved political education and a more rational view of public interests, yet other causes of strife have arisen against which the present state of mankind affords no sufficient remedy.

We agree so cordially with the spirit of the greater portion of Mr. Lecky's work, and we are so impressed with the extraordinary talents he has displayed in it, that we are sorry to differ from him in these concluding observations. But they in no degree detract from our admiration of so splendid a performance. No other Irishman since Burke has devoted his talents with equal success to political philosophy. This book well deserves to be universally read and carefully studied, for if the eye is dazzled at first by the brilliancy of the form, the mind is interested and occupied by the subtlety and perspicacity of a thousand observations, which escape notice on a first perusal. In a word, we hope to see this work take its place among the best literary productions of the age, and we doubt not that it will powerfully conduce to the ultimate triumph of that cause to which it is devoted.

ART. VI.—1. *Byzantine Architecture; illustrated by Examples of Edifices erected in the East during the earliest ages of Christianity.* With Historical and Archæological Descriptions. By C. TEXIER and E. P. PULLAN. Folio. London: 1864.

2. *Epigraphik von Byzantium und Constantinopolis, von den ältesten Zeiten bis zum J.* 1453. Von Dr. S. A. DETHIER und Dr. A. D. MORDTMANN. 4to. Wien: 1864.

3. *Acta Patriarchatus Constantinopolitani*, 1305–1402, *e Codice MS. Bibliothecæ Palat. Vindobonensis; edentibus* D.D. MIKLOVISCH et MÜLLER. 8vo. 2 vols. Viennæ: 1860–2.

4. *Die alt-christliche Baudenkmale Konstantinopels von V. bis XII. Jahrhundert. Auf Befehl seiner Majestät des Königs aufgenommen und historisch erläutert von* W. SALZENBERG. *Im Anhange des Silentiarius Paulus Beschreibung der Heiligen Sophia und der Ambon, metrisch übersetzt, und mit Anmerkungen versehen, von* Dr. C. W. KORTÜM. Fol. Berlin: 1854.

5. *Aya Sofia, Constantinople, as recently restored by Order of H.M. the Sultan Abdul Medjid.* From the original Drawings of Chevalier GASPARD FOSSATI. Lithographed by LOUIS HAGHE, Esq. Imperial Folio. London: 1854.

THERE is not one among the evidences of Moslem conquest more galling to Christian associations than the occupation of Justinian's ancient basilica for the purposes of Mahometan worship. The most commonplace sight-seer from the West feels a thrill when his eye falls, for the first time, upon the flaring crescent which surmounts 'Sophia's cupola with golden 'gleam;' and this emotion deepens into a feeling of awe at the mysterious dispensations of Providence, when he has stood beneath the unaltered and still stately dome, and

> 'surveyed
> The sanctuary, the while the usurping Moslem prayed.'

For Oriental Christians, this sense of bitterness is hardly second to that with which they regard the Turkish occupation of Jerusalem itself. In the latter, however they may writhe under the political supremacy of their unbelieving master, still, as the right of access to those monuments which form the peculiar object of Christian veneration is practically undisturbed, they are spared the double indignity of religious profanation superadded to social wrong. But the mosque of St.

Sophia is, in Christian eyes, a standing monument at once of Moslem sacrilege and of Christian defeat, the sense of which is perpetuated and embittered by the preservation of its ancient, but now desecrated, name.

To an imaginative visitor of the modern mosque it might seem as if the structure itself were not unconscious of this wrong. The very position of the building is a kind of silent protest against the unholy use to which its Turkish masters have perverted it. Like all ancient Christian churches, it was built exactly in the line of east and west; and, as the great altar, which stood in the semicircular apse, was directly at the eastern point of the building, the worshippers in the old St. Sophia necessarily faced directly eastwards; and all the appliances of their worship were arranged with a view to that position. Now, in the exigencies of Mahometan ecclesiology, since the worshipper must turn to the Kibla at Mecca, (that is, in Constantinople, to the south-east), the *mihrab*, or sacred niche in the modern St. Sophia, is necessarily placed out of the centre of the apse; and thus the *mimber* (pulpit), the prayer-carpets, and the long ranks of worshippers themselves, present an appearance singularly at variance with every notion of architectural harmony, being arranged in lines, not parallel, but oblique, to the length of the edifice, and out of keeping with all the details of the original construction. It is as though the dead walls of this venerable pile had retained more of the spirit of their founder than the degenerate sons of the fallen Rome of the East, and had refused to bend themselves at the will of that hateful domination before which the living worshippers tamely yielded or impotently fled!

The mosque of St. Sophia had long been an object of curious interest to travellers in the East. Their interest, however, had seldom risen beyond curiosity; and it was directed rather towards St. Sophia as it is, than to the Christian events and traditions with which it is connected. For those, indeed, who know the grudging and capricious conditions under which alone a Christian visitor is admitted to a mosque, and the jealous scrutiny to which he is subjected during his visit, it will be easy to understand how rare and how precarious have been the opportunities for a complete or exact study of this, the most important of all the monuments of Byzantine art; and, notwithstanding its exceeding interest for antiquarian and artistic purposes, far more of our knowledge of its details was derived from the contemporary description of Procopius * or

* De Edificiis, lib. i. c. i.

Agathias *, from the verses of Paulus Silentiarius †, from the casual allusions of other ancient authorities, and, above all, from the invaluable work of Du Cange, which is the great repertory of every thing that has been written upon ancient or mediæval Byzantium, than from the observation even of the most favoured modern visitors of Constantinople, until the publication of the works named at the head of these pages.

For the elaborate account of the present condition of the mosque of St. Sophia which we now possess, we are indebted to the happy necessity by which the Turkish officials, in undertaking the recent restoration of the building, were led to engage the services of an eminent European architect, Chevalier Fossati, in whose admirable drawings, as lithographed in the 'Aya Sofia,' every arch and pillar of the structure is reproduced. The archæological and historical details, which lay beyond the province of a volume mainly professional in its object, are supplied in the learned and careful work of M. Salzenberg, who, during the progress of the restoration, was sent to Constantinople, at the cost of the late King of Prussia, for the express purpose of copying and describing exactly every object which might serve to throw light on Byzantine history, religion, or art, or on the history and condition of the ancient church of St. Sophia, the most venerable monument of them all.

Nor is it possible to imagine, under all the circumstances of the case, a combination of opportunities more favourable for the purpose. From long neglect and injudicious or insufficient reparation, the mosque had fallen into so ruinous a condition, that, in the year 1847, the late Sultan, Abdul Medjid, found it necessary to direct a searching survey of the entire building, and eventually a thorough repair. In the progress of the work, while engaged near the entrance of the northern transept, M. Fossati discovered, beneath a thin coat of plaster (evidently laid on to conceal the design from the eyes of the true believers), a beautiful mosaic picture, almost uninjured, and retaining all its original brilliancy of colour. A further examination showed that these mosaics extended throughout the building; and, with a liberality which every lover of art must gratefully applaud, the Sultan at once acceded to the suggestion of M. Fossati, and ordered that the plaster should be removed throughout the interior; thus exposing once more

* Pp. 152–3.

† A very good German version, with most valuable notes, is appended to the text of Salzenberg's 'Baudenkmale.'

to view the original decorations of the ancient basilica. It was while the mosque was still crowded with the scaffolding erected to carry on this most interesting work, that M. Salzenberg arrived in Constantinople. He thankfully acknowledges the facilities afforded to him, as well by the Turkish officials as by Chevalier Fossati; and, although the specimens of the purely pictorial decorations of the ancient church which he has published are not as numerous as the reader may possibly expect, yet they are extremely characteristic, and full of religious, as well as of historical and antiquarian interest.

Notwithstanding the beauty and attractiveness of M. Louis Haghe's magnificent lithographs of Chevalier Fossati's drawings published in the 'Aya Sofia,' the subject has received in England far less attention than it deserves. There is not an incident in Byzantine history with which the church of St. Sophia is not associated. There is not a characteristic of Byzantine art of which it does not contain abundant examples. It recalls in numberless details, preserved in monuments in which time has wrought little change and which the jealousy or contempt of the conquerors has failed to destroy or even to travesty, interesting illustrations of the doctrine, the worship, and the disciplinary usages of the ancient Eastern Church, which are with difficulty traced, at present, in the living system of her degenerate representative. To all these researches the wider cultivation of art and of history, which our age has accepted as its calling, ought to lend a deeper significance and a more solemn interest. St. Sophia ought no longer to be a mere lounge for the sight-seer, or a spectacle for the lover of the picturesque.

The history of this venerable church may be said to reach back as far as the first selection of Byzantium by Constantine as the new capital of his empire. Originally, the pretensions of Byzantium to ecclesiastical rank were sufficiently humble, its bishop being but a suffragan of the metropolitan of Heraclea. But, from the date of the translation of the seat of empire, Constantine's new capital began to rise in dignity. The personal importance which accrued to the bishop from his position at the court of the emperor, was soon reflected upon his see. The first steps of its upward progress are unrecorded; but within little more than half a century from the foundation of the imperial city, the celebrated fifth canon of the council which was held therein in 381, not only distinctly assigned to the Bishop of Constantinople 'the primacy of 'honour, next after the Bishop of Rome,' but, by alleging as the ground of this precedence the principle 'that Constantinople

'is the new Rome,' laid the foundation of that rivalry with the older Rome which had its final issue in the complete separation of the Eastern from the Western Church.

The dignity of the see was represented in the beauty and magnificence of its churches, and especially of its cathedral. One of the considerations by which Constantine was influenced in the selection of Byzantium for his new capital, lay in the advantages for architectural purposes which the position commanded. The rich and various marbles of Proconnesus; the unlimited supply of timber from the forests of the Euxine; the artistic genius and the manual dexterity of the architects and artisans of Greece—all lay within easy reach of Byzantium: and, freely as Constantine availed himself of these resources for the embellishment of the new city in its palaces, its offices of state, and its other public buildings, the magnificence which he exhibited in his churches outstripped all his other undertakings. Of these churches by far the most magnificent was that which forms the subject of the present notice. Its title is often a subject of misapprehension to those who, being accustomed to regard 'Sophia' merely as a feminine name, are led to suppose that the church of Constantine was dedicated to a saint so called. The calendar, as well of the Greek as of the Latin Church, does, it is true, commemorate more than one saint named Sophia. Thus one Sophia is recorded as having suffered martyrdom under Adrian, in company with her three daughters, Faith, Hope, and Charity. Another is said to have been martyred in one of the later persecutions together with St. Irene; and a third is still specially venerated as a martyr at Fermo (the ancient Firmum). But it was not any of these that supplied the title of Constantine's basilica. That church was dedicated to the ΑΓΙΑ ΣΟΦΙΑ,—the Holy Wisdom; that is, to the Divine Logos, or Word of God, under the title of the 'Holy Wisdom,' borrowed by adaptation from the well-known prophetic allusion contained in the eighth chapter of Proverbs, and familiar in the theological language of the fourth century.

The original church, however, which Constantine erected in 325–6 was but the germ out of which the later St. Sophia grew. The early history of St. Sophia is marked by many vicissitudes, and comprises, in truth, the history of four distinct churches, that of Constantine, that of Constantius, that of Theodosius, and finally that of Justinian.

Thirty-four years after the foundation of St. Sophia by the first Christian emperor, his son, Constantius, either because of its insufficient size, or owing to some injury which

it had sustained in an earthquake, rebuilt it, and united with it the adjoining church of the *Irene*, or 'Peace' (also built by his father), forming both into one grand edifice. And, although the church of Constantius was not much longer lived than that of his father, it is memorable as the theatre for several years of the eloquence of St. John Chrysostom, while its destruction was a monument at once of the triumph and of the fall of that great father. It was within the walls of this church that his more than human eloquence was wont to draw, even from the light and frivolous audiences of that pleasure-loving city, plaudits, the notice of which in his own pages reads so strange to modern eyes. It was here that he provoked the petty malice of the imperial directress of fashion, by his inimitable denunciation of the indelicacy of female dress. Here, too, was enacted that memorable scene, which, for deep dramatic interest, has seldom been surpassed in history,—the fallen minister Eutropius clinging to the altar of St. Sophia for protection against the popular fury, while Chrysostom, in a glorious exordium on the instability of human greatness *, disarms the rage of the populace by exciting their commiseration for their fallen enemy. Nor can we wonder that those who had hung entranced upon that eloquent voice should, when it was silenced by his cruel and arbitrary banishment, have recognised a Nemesis in the destruction of the church which had so often echoed with the golden melody of its tones. St. Sophia, by a divine judgment, as the people believed, was destroyed for the second time in 404, in the tumult which followed the banishment of St. John Chrysostom.

The third St. Sophia was built in 415 by Theodosius the Younger. The church of Theodosius lasted longer than either of those which went before it. It endured through the long series of controversies on the Incarnation. It witnessed their first beginning, and it almost survived their close. It was beneath the golden roof of the Theodosian basilica that Nestorius scandalised the orthodoxy of his flock, and gave the first impulse to the controversy which bears his name, by applauding the vehement declamation of the preacher who denied to the Virgin Mary the title of Mother of God. And it was from its ambo or pulpit that the Emperor Zeno promulgated his celebrated Henoticon—the 'decree of union' by which he vainly hoped to heal the disastrous division. The St. Sophia of Theodosius was the scene of the first act in the long struggle between

* Hom. in Eutropium Patricium. Opp. tom. iii. p. 399 *et seq.* (Migne ed.)

Constantinople and Rome, the great Acacian schism; when, at the hazard of his life, an impetuous monk, one of the fiery 'Sleepless 'Brotherhood,' pinned the papal excommunication on the cope of Acacius as he was advancing to the altar. And it witnessed the close of that protracted contest, in the complete and unreserved submission to Rome which was exacted by the formulary of Pope Hormisdas, as the condition of reconciliation. The structure of Theodosius stood a hundred and fourteen years—from 415 to 532, but perished at length in the fifth year of Justinian, in a disaster which, for a time, made Constantinople all but a desert—the memorable battle of the blue and green factions of the hippodrome, known in history as the *Nika* Sedition.

The restoration of St. Sophia, which had been destroyed in the conflagration caused by the violence of the rioters, became, in the view of Justinian, a duty of Christian atonement no less than of imperial munificence. There is no evidence that the burning of the church arose from any special act of impiety directed against it in particular; but it is certain that the ancient feuds of the religious parties in the East entered vitally as an element of discord into this fatal sedition; and even the soldiers who had been engaged on the side of the civil power in the repression of the tumult, and who were chiefly legionaries enlisted from among the Heruli, the most savage of the barbarian tribes of the empire, had contributed largely to the sacrilegious enormities by which, even more than by the destruction of human life, the religious feelings of the city had been outraged.

The entire history of the reconstruction exhibits most curiously the operation of the same impulse. It was undertaken with a large-handedness, and urged on with an energy, which bespeak far other than merely human motives. Scarce had Constantinople begun to recover after the sedition from the stupor of its alarm, and the affrighted citizens to steal back from the Asiatic shore to which they had fled in terror with their families and their most valuable effects, when Justinian commissioned Anthemius of Tralles to prepare the plans of the new basilica, on a scale of magnificence till then unknown. On the 23rd of February 532, within forty days from the catastrophe, the first stone of the new edifice was solemnly laid. Orders, to borrow the words of the chronicler,* 'were issued simultaneously to all the dukes, satraps, judges,

* Anonymi de Antiquit. Constantinop. (in Banduri's 'Imperium 'Orientale'), p. 55.

'quæstors, and prefects,' throughout the empire, to send in from their several governments, pillars, peristyles, bronzes, gates, marbles, and all other materials suitable for the projected undertaking. How efficiently the order was carried out may yet be read in the motley, though magnificent array of pillars and marbles which form the most striking characteristic of St. Sophia, and which are for the most part, as we shall see, the spoil of the older glories of Roman and Grecian architecture. We shall only mention here eight porphyry columns from the Temple of the Sun at Baalbec, which Aurelian had sent to Rome, and which, having come into the possession of a noble Roman widow, named Marcia, as her dowry, were presented by that pious lady to Justinian, as an offering *ὑπὲρ ψυχικῆς μου σωτηρίας*, 'for the salvation of her soul.'*

Indeed, some of the incidents of the undertaking are so curious in themselves, and illustrate so curiously the manners and feelings of the age, that we are induced to select a few of them from among a mass of more or less legendary details, supplied by the anonymous chronicler already referred to, whose work Banduri has printed in his 'Imperium Orientale,'† and who, if less trustworthy than Procopius or the Silentiary, has preserved a much greater amount of the traditionary gossip connected with the building.

For the vastly enlarged scale of Justinian's structure, it became necessary to make extensive purchases in the immediate circuit of the ancient church; and, as commonly happens, the demands of the proprietors rose in proportion to the necessity in which the imperial purchaser was placed. It is interesting to contrast the different spirit in which each sought to use the legal rights of a proprietor.

The first was a widow, named Anna, whose tenement was valued by the imperial commissaries at eighty-five pounds of gold. This offer on the part of the commissary the widow unhesitatingly refused, and declared that she would consider her house cheap at fifty hundred-weight of gold; but when Justinian, in his anxiety to secure the site, did not hesitate to wait upon the widow herself in person, she was so struck by his condescension, and so fired by the contagion of his pious enthusiasm, that she not only surrendered the required ground, but refused all payment for it in money; only praying that she

* Anonymi, p. 55.

† Under the title 'Anonymi de Antiquitatibus Constantinopoleos.' The third part is devoted entirely to a 'History and Description of 'the Church of St. Sophia.'

might be buried near the spot, in order that, from the site of her former dwelling itself, she 'might claim the purchase-money 'on the day of judgment.' She was buried, accordingly, near the *Skeuophylacium*, or treasury of the sacred vessels.*

Very different, but yet hardly less characteristic of the time, was the conduct of one Antiochus, a eunuch, and *ostiarius* of the palace. His house stood on the spot now directly under the great dome, and was valued by the imperial surveyor at thirty-five pounds of gold. But Antiochus exacted a far larger sum, and obstinately refused to abate his demand. Justinian, in his eagerness, was disposed to yield; but Strategus, the prefect of the treasury, begged the Emperor to leave the matter in his hands, and proceeded to arrest the obdurate proprietor and throw him into prison. It chanced that Antiochus was a passionate lover of the sports of the hippodrome, and Strategus so timed the period of his imprisonment that it would include an unusually attractive exhibition in the hippodrome—what in the language of the modern turf would be called 'the best 'meeting of the season.' At first Antiochus kept up a determined front; but, as the time of the games approached, the temptation proved too strong; his resolution began to waver; and at length, when the morning arrived, he 'bawled out 'lustily' from the prison, and promised that, if he were released in time to enjoy his favourite spectacle, he would yield up possession on the Emperor's own terms. By this time the races had begun, and the Emperor had already taken his seat; but Strategus did not hesitate to have the sport suspended, led Antiochus at once to the Emperor's tribunal, and, in the midst of the assembled spectators, completed the negotiation.†

A third was a cobbler, called by the classic name of Xenophon. His sole earthly possession was the stall in which he exercised his trade, abutting on the wall of one of the houses doomed to demolition in the clearance of the new site. A liberal price was offered for the stall; but the cobbler, although he did not refuse to surrender it, whimsically exacted as a condition precedent, that the several factions of the charioteers should salute him, in the same way as they saluted the Emperor while passing his seat in the hippodrome. Justinian agreed; but took what must be considered an ungenerous advantage of the simple man of leather. The letter of Xenophon's condition was fulfilled. He was placed in the front of the centre tribune, gorgeously arrayed in a scarlet and white robe. The factions, as they passed his seat in procession, duly rendered

* Anonymi, p. 58. † *Ibid.*, p. 59.

the prescribed salute; but the poor cobbler was balked of his anticipated triumph, being compelled, amid the derisive cheers and laughter of the multitude, *to receive the salute with his back turned to the assembly!* *

But it is around the imperial builder himself that the incidents of the history of the work, and still more its legendary marvels, group themselves in the pages of the anonymous chronicler. For although the chief architect, Anthemius, was assisted by Agathias, by Isidorus of Miletus, and by a countless staff of minor subordinates, Justinian, from the first to the last, may be truly said to have been the very life and soul of the undertaking, and the director even of its smallest details. From the moment when, at the close of the inauguratory prayer, he threw the first shovelful of mortar into the foundation, till its solemn opening for worship on Christmas-day, 538, his enthusiasm never abated, nor did his energy relax. Under the glare of the noon-day sun, while others were indulging in the customary siesta, Justinian was to be seen, clad in a coarse linen tunic, staff in hand, and his head bound with a cloth, directing, encouraging, and urging on the workmen, stimulating the industrious by liberal donations, visiting the loiterers with his displeasure. Some of his expedients, as detailed by the chronicler, are extremely curious. We shall mention only one. In order to expedite the work, it was desirable to induce the men to work after-hours. The natural way of effecting this would have been to offer them a proportionate increase of pay; but Justinian chose rather to obtain the same result indirectly. Accordingly, he was accustomed—if our authority can be relied on—to scatter a quantity of coins about the building; and the workmen, afraid to search for them in the open day, were led to continue their work till the shades of evening began to fall, in order that they might more securely carry off the spoil under cover of the darkness!

Some of the building operations which this writer describes are equally singular. The mortar, to secure greater tenacity, was made with barley-water; the foundations were filled up with huge rectangular masses, fifty feet long, of a concrete of lime and sand, moistened with barley-water and other glutinous fluid, and bound together by wicker framework. The tiles or bricks of which the cupola was formed were made of Rhodian clay, so light that twelve of them did not exceed the weight

* Anonymi, p. 59.

of one ordinary tile. The pillars and buttresses were built of cubical and triangular blocks of stone, with a cement made of lime and oil, soldered with lead, and bound, within and without, with clamps of iron.

It is plain, however, that these particulars, however curious they may seem, are not to be accepted implicitly, at least if they are judged by the palpable incredibility of some of the other statements of the writer. The supernatural appears largely as an element in his history. On three several occasions, according to this chronicler, the Emperor was favoured with angelic apparitions, in which were imparted to him successive instructions, first as to the plan of the building, again as to urging on its progress, and finally as to finding funds for its completion. One of these narratives is extremely curious, as showing the intermixture of earth and heaven in the legendary notions of the time. A boy, during the absence of the masons, had been left in charge of their tools, when, as the boy believed, one of the eunuchs of the palace in a resplendent white dress came to him, ordered him at once to call back the masons, that the work of heaven might not be longer retarded. On the boy's refusing to quit the post of which he had been left in charge, the supposed eunuch volunteered to take his place, and swore 'by the Wisdom of God' that he would not depart from the place till the boy should return. Justinian ordered all the eunuchs of the palace to be paraded before the boy; and on the boy's declaring that the visitor who had appeared to him was not any of the number, at once concluded that the apparition was supernatural; but, while he accepted the exhortation to greater zeal and energy in forwarding the work, he took a characteristic advantage of the oath by which the angel had sworn not to leave the church till the return of his youthful messenger. Without permitting the boy to go back to the building where the angel had appeared to him, Justinian *sent him away to the Cyclades for the rest of his life*, in order that the perpetual presence and protection of the angel might thus be secured for the church, which that divine messenger was pledged never to leave till the boy should return to relieve him at his post! *

Without dwelling further, however, on the legendary details, we shall find marvels enough in the results, such as they appear in the real history of the building. And perhaps the greatest marvel of all is the shortness of the period in which so vast a work was completed, the new church being actually opened for

* Anonymi, p. 61.

worship within less than seven years from the day of the conflagration. Ten thousand workmen were employed on the edifice, if it be true that a hundred master-builders, each of whom had a hundred men under him, were engaged to accelerate and complete the undertaking. For the philosophical student of history, there is a deep subject of study in the bare enumeration of the materials brought together for this great Christian enterprise, and of the various quarters from which they were collected. It is not alone the rich assortment of precious marbles,—the spotless white of Paros; the green of Croceæ; the blue of Libya; together with parti-coloured marbles in a variety hardly ever equalled before—the costly cipolline, the rose-veined white marble of Phrygia, the curiously streaked black marble of Gaul, and the countless varieties of Egyptian porphyry and granite. Far more curious is it to consider how the materials of the structure were selected so as to present in themselves a series of trophies of the triumph of Christianity over all the proudest forms of worship in the old world of paganism. In the forest of pillars which surround the dome and sustain the graceful arches of the Gynæconitis, the visitor may still trace the spoils of the Temple of the Sun at Baalbec, of the famous Temple of Diana at Ephesus, of that of the Delian Apollo, of Minerva at Athens, of Cybele at Cyzicus, and of a host of less distinguished shrines of paganism. When the mere cost of the transport of these massive monuments to Constantinople is taken into account, all wonder ceases at the vastness of the sums which are said to have been expended in the work. It is easy to understand how, 'before the walls had risen two cubits 'from the ground, forty-five thousand two hundred pounds 'were consumed.'* It is not difficult to account for the enormous general taxation, the oppressive exactions from individuals, the percentages on prefects' incomes, and the deductions from the salaries of judges and professors, which went to swell the almost fabulous aggregate of the expenditure; and there is perhaps an economical lesson in the legend of the apparition of the angel, who, when the building had risen as far as the cupola, conducted the master of the imperial treasury to a subterranean vault in which eighty hundred-weight of gold were discovered ready for the completion of the work! †

Even independently of the building itself and its artistic decorations, the value of the sacred furniture and appliances exceeded all that had ever before been devised. The sedilia

* Gibbon's Decline and Fall, vol. iii. p. 523.

† Anonymi, p. 62.

of the priests and the throne of the patriarch were of silver gilt. The dome of the tabernacle was of pure gold, ornamented with golden lilies, and surmounted by a gold cross seventy-five pounds weight and encrusted with precious stones. All the sacred vessels—chalices, beakers, ewers, dishes, and patens, were of gold. The candelabra which stood on the altar, on the ambo, and on the upper gynæconitis; the two colossal candelabra placed at either side of the altar; the dome of the ambo; the several crosses within the bema; the pillars of the iconostasis; the covers of the sacred books; all were likewise of gold, and many of them loaded with pearls, diamonds, and carbuncles. The sacred linens of the altar and the communion cloths were embroidered with gold and pearls. But when it came to the construction of the altar itself, no single one of these costly materials was considered sufficiently precious. Pious ingenuity was tasked to its utmost to devise a new and richer substance, and the table of the great altar was formed of a combination of all varieties of precious materials. Into the still fluid mass of molten gold were thrown pearls and other gems, rubies, crystals, topazes, sapphires, onyxes, and amethysts, blended in such proportions as might seem best suited to enhance to the highest imaginable limit the costliness of what was prepared as the throne of the Most High on earth! And to this combination of all that is most precious in nature, art added all the wealth at its disposal, by the richness of the chasing and the elaborateness and beauty of the design.

The total cost of the structure has been variously estimated. It amounted, according to the ancient authorities, to 'three 'hundred and twenty thousand pounds'; but whether these were of silver or of gold is not expressly stated. Gibbon* leaves it to each reader, 'according to the measure of his belief,' to estimate it in one or the other metal; but Mr. Neale† is 'not deterred by the sneer of Gibbon from expressing his 'belief that gold must be intended.' According to this supposition the expenditure, if this can be believed possible, would have reached the enormous sum of thirteen millions sterling!

It was, no doubt, with profound self-gratulation that, at the end of almost six years of anxious toil, Justinian received the intelligence of the completion of this great labour of love. At his special entreaty, the last details had been urged forward with headlong haste, in order that all might be ready for

* Decline and Fall, vol. iii. p. 523.
† Eastern Church, vol. i. p. 237.

the great festival of Christmas in the year 538; and his architect had not disappointed his hopes. There is some uncertainty as to the precise date of the dedication; and indeed it is probable that the festival may have extended over several days, and thus have been assigned to different dates by different writers. But when it came (probably on Christmas-eve, December 24, 538), it was a day of triumph for Justinian. A thousand oxen, a thousand sheep, a thousand swine, six hundred deer, ten thousand poultry, and thirty thousand measures of corn, were distributed to the poor. Largesses to a fabulous amount were divided among the people. The Emperor, attended by the patriarch and all the great officers of state, went in procession from his palace to the entrance of the church. But, from that spot, as though he would claim to be alone in the final act of offering, Justinian ran, unattended, to the foot of the ambo, and with arms outstretched and lifted up in the attitude of prayer, exclaimed, in words which the event has made memorable: 'Glory to God, who hath accounted me 'worthy of such a work! I have conquered thee, O Solomon!'

Justinian's works in St. Sophia, however, were not destined to cease with this first completion of the building. Notwithstanding the care bestowed on the dome, the selection of the lightest materials for it, and the science employed in its construction, an earthquake, which occurred in the year 558, overthrew the semi-dome at the east end of the church. Its fall was followed by that of the eastern half of the great dome itself; and in the ruin perished the altar, the tabernacle, and the whole bema, with its costly furniture and appurtenances. This catastrophe, however, only supplied a new incentive to the zeal of Justinian. Anthemius and his fellow-labourers were now dead, but the task of repairing the injury was entrusted to Isidorus the Younger, nephew of the Isidorus who had been associated with Anthemius in the original construction of the church. It was completed, and the church re-dedicated, at the Christmas of the year 561; nor can it be doubted that the change which Isidorus now introduced in the proportions of the dome, by adding twenty-five feet to its height, contributed materially as well to the elegance of the dome itself as to the general beauty of the church and the harmony of its several parts.

The church of Justinian thus completed may be regarded as substantially the same building which is now the chief temple of Islam. The few modifications which it has undergone will be mentioned in the proper place; but it may be convenient to describe the building, such as it came from the hands of its first founder, before we proceed to its later history.

St. Sophia, in its primitive form, may be taken as the type of Byzantine ecclesiology in almost all its details. Although its walls enclose what may be roughly* called a square of 241 feet, the internal plan is not inaptly described as a Greek cross, of which the nave and transepts constitute the arm, while the aisles, which are surmounted by the gynæconitis or women's gallery, may be said to complete it into a square, within which the cross is inscribed. The head of the cross is prolonged at the eastern extremity into a slightly projecting apse. The aisle is approached at its western end through a double narthex or porch, extending over the entire breadth of the building, and about 100 feet in depth; so that the whole length of the structure, from the eastern wall of the apse to the wall of the outer porch, is about 340 feet. In the centre, from four massive piers, rises the great dome, beneath which, to the east and to the west, spring two great semi-domes, the eastern supported by three, the western by two, semi-domes of smaller dimensions. The central of the three lesser semi-domes, to the east, constitutes the roof of the apse to which allusion has already been made. The piers of the dome (differing in this respect from those of St. Peter's at Rome) present from within a singularly light and elegant appearance; they are nevertheless constructed with great strength and solidity, supported by four massive buttresses, which, in the exterior, rise as high as the base of the dome, and are capacious enough to contain the exterior staircases of the gynæconitis. The lightness of the dome-piers is in great part due to the lightness of the materials of the dome itself already described. The diameter of the dome at its base is 100 feet, its height at the central point above the floor is 179 feet, the original height, before the reconstruction in 561, having been twenty-five feet less.† The effect of this combination of domes, semi-domes, and plane arches, on entering the nave, is singularly striking. It constitutes, in the opinion of the authors of 'Byzantine 'Architecture,' what may be regarded as the characteristic beauty of St. Sophia; and the effect is heightened in the modern mosque by the nakedness of the lower part of the

* This is not exactly true. The precise dimensions of the building (excluding the apse and narthex) are 241 feet by 226 feet.

† Later Greek authorities, for the purpose of exalting the glories of the older church, allege that the second dome is fifteen feet lower than the first; and even Von Hammer ('Constantinopel und der Bosporus,' vol. i. p. 346) adopts this view. But Zonaras and the older writers agree that the height was increased by twenty-five feet. See Neale's 'Eastern Church,' vol. i. p. 239.

building, and by the absence of those appurtenances of a Christian church,—as the altar, the screen, and the ambo,—which, by arresting the eye in more minute observation, withdrew it in the Christian times from the general proportions of the structure. This effect of lightness is also increased by numerous windows, which encircle the tympanum. They are twenty-four in number, small, low, and circular-headed; and in the spaces between them spring the twenty-four groined ribs of the dome, which meet in the centre and divide the vault into twenty-four equal segments. The interior was richly decorated with mosaic-work. At the four angles beneath the dome were four colossal figures of winged seraphim; and, from the summit of the dome looked down that majestic face of Christ the Sovereign Judge, which still remains the leading type of our Lord's countenance in the school of Byzantine art, and even in the Latin reproductions of it fills the mind with a feeling of reverence and awe, hardly to be equalled by any other production of Christian art. The exterior of the dome is covered with lead, and it was originally surmounted by a stately cross, which in the modern mosque is replaced by a gigantic crescent fifty yards in diameter; on the gilding of this ornament Murad III. expended 50,000 ducats, and the glitter of it in the sunshine is said to be visible from the summit of Mount Olympus—a distance of a hundred miles. To an eye accustomed to the convexity of the cupola of western churches, the interior height of the dome of St. Sophia is perhaps somewhat disappointing, especially considering the name 'aerial,' by which it is called by the ancient authorities. This name, however, was given to it, not so much to convey the idea of lightness or 'airiness' in the structure, as because its proportions, as designed by the architect, were intended to represent or reproduce the supposed convexity of the 'aerial 'vault' itself.

With Justinian's St. Sophia begins what may be called the second or classic period of Byzantine archæology. It is proper, therefore, that we should describe, although of necessity very briefly, its general outline and arrangements.

With very few exceptions, the Greek churches of the earlier period (including the older church of St. Sophia), whether as originally built by Constantine and restored by his son, or as rebuilt by Theodosius), were of that oblong form which the Greeks called 'dromic,' and which is known in the West as the type of the Basilica. The present St. Sophia, on the contrary, may be regarded as practically the type of the cruciform structure. This cruciform appearance, however, is, as has been

already explained, confined to the internal arrangement, the exterior presenting the appearance of a square, or, if the porch be regarded as part of the church, of an oblong rectangle.

To begin with the narthex or porch:—That of St. Sophia is double, consisting of an outer (exonarthex) as well as an inner (esonarthex) porch. Most Byzantine churches have but a single narthex—often a lean-to against the western wall; and in some few churches the narthex is altogether wanting. But in St. Sophia it is a substantive part of the edifice; and, the roof of the inner compartment being arched, it forms the substructure of the western gynæconitis, or women's choir, which is also carried upon a series of unrivalled arches supported by pillars, most of which are historical, around the northern and southern sides of the nave. The outer porch is comparatively plain, and communicates with the inner one by five marble doorways (of which one is now walled up), the doors being of bronze, wrought in floriated crosses, still distinguishable, although much mutilated by the Turkish occupants. The inner porch is much more rich, the floor of watered marble, and the walls lined with marbles of various colours and with richly carved alabaster. It opens on the church by nine gates of highly-wrought bronze; over the central portal is a well-preserved group in mosaic, bearing the inscription—*Εἰρήνη ὑμιν. Ἐγω εἰμι τὸ φῶς τοῦ κοσμοῦ*—and representing our Lord, with the Virgin and St. John the Baptist on either hand, in the act of giving with uplifted right hand his benediction to an emperor (no doubt Justinian) prostrate at his feet. This group is represented in one of M. Salzenberg's plates; and it is specially interesting for the commentary, explanatory of the attitude of our Lord, given in the poem of Paul the Silentiary, according to whom the position of our Lord's fingers represents, in the language of signs then received, the initial and final letters of the Sacred Name, ΙΣ ΧΣ:

Ἔοικε δὲ δάκτυλα τείνειν
Δεξιτερῆς ἅτε μῦθον ἀειζώντα πεφαύσκων.

The outstretched forefinger meant I; the bent second finger, C or Σ; the third finger applied to the thumb, X; and the little finger, Σ. It may also be noted that Justinian in this curious group is represented with the nimbus. During the progress of the restoration of the building in 1847, this mosaic was uncovered, and exactly copied; but like all the other mosaics which contain representations of the human form, it has been covered with canvass, and again carefully coated with plaster. It was on the *phiale* or fountain of the outer court of

this narthex that the famous palindromic inscription was placed:

ΝΙΨΟΝ ΑΝΟΜΗΜΑΤΑ ΜΗ ΜΟΝΑΝ ΟΨΙΝ.
'Wash thy sins, not thy countenance only.'

The interior of St. Sophia, exclusive of the women's choir, consisted of three great divisions—the nave, which was the place of the laity; the *soleas*, or choir, which was assigned to the assisting clergy of the various grades; and the *bema*, or sanctuary, the semicircular apse at the eastern end in which the sacred mysteries were celebrated, shut off from the soleas by the *iconostasis* or screen, and flanked by two smaller, but similar, semicircular recesses; the *diaconicon*, corresponding with the modern vestry; and the *prothesis*, in which the bread and wine were prepared for the eucharistic offering, whence they were carried, in the procession called the 'Great Entrance,' to the high altar within the bema.

The position of these several parts is still generally traceable in the modern mosque, although, the divisions having been all swept away, there is some controversy as to details.

The nave, of course, occupies the western end, and is entered directly from the porch. It was separated from the soleas, or choir, at the *ambo*—the pulpit, or more properly gallery, which was used not only for preaching, but also for the reading or chanting of the lessons and the gospel, for ecclesiastical announcements or proclamations, and in St. Sophia for the coronation of the emperor. The ambo of St. Sophia was a very massive and stately structure of rich and costly material and of most elaborate workmanship; it was crowned by a canopy or baldachin, surmounted by a solid golden cross a hundred pounds in weight. All trace of the ambo has long disappeared from the mosque; but from the number of clergy, priests, deacons, subdeacons, lectors, and singers (numbering, even on the reduced scale prescribed by Justinian, 385), which the soleas was designed to accommodate, as well as from other indications, it is believed that the ambo, which was at the extreme end of the soleas, must have stood under the dome, a little to the east of the centre. The seat of the emperor was on the left side of the soleas, immediately below the seats of the priests, close to the ambo, and opposite to the throne of the patriarch. The seats assigned in the present patriarchal church to the princes of Wallachia and Moldavia correspond in position to those formerly occupied by the throne of the emperor and are directly opposite that of the patriarch. Besides its sacred uses, the ambo of St. Sophia was the scene of many a striking incident in Byzantine history. The reader of Gibbon

will recall the graphic picture of Heracleonas compelled by the turbulent multitude to appear in the ambo of St. Sophia with his infant nephew in his arms for the purpose of receiving their homage to the child as emperor; * or his still more vivid description of the five sons of Copronymus, of whom the eldest, Nicephorus, had been made blind, and the other four had their tongues cut out, escaping from their dungeon and taking sanctuary in St. Sophia. There are few more touching stories in all the bloody annals of Byzantium than that which presents the blind Nicephorus employing that faculty of speech which had been spared in him alone, by appealing from the ambo on behalf of his mute brothers to the pity and protection of the people! †

But it was upon the bema of St. Sophia, as we have already seen, that the wealth and pious munificence of Justinian were most lavishly expended. It was shut off from the soleas by the iconostasis, which in Byzantine art is a screen resembling, in all except its position, the rood-screen of western architecture, and derived its name from the sacred pictures (*εἰκόνες*) represented upon it. In that of St. Sophia the material was silver, the lower part being highly wrought with arabesque devices, and the upper composed of twelve pillars, twined two and two, and separated by panels on which were depicted in oval medallions the figures of our Lord, His Virgin Mother, and the Prophets and Apostles. It had three doors; the central one (called *ἅγια θύραι* 'sacred door') leading directly to the altar, that on the right to the diaconicon, and that on the left to the prothesis. The figures on either side of the central door, following what appears to have been the universal rule, were those of our Lord and the Virgin, and above the door stood a massive cross of gold. The altar, with its canopy or tabernacle, has been already described. The *synthronus*, or bench with stalls, for the officiating bishop and clergy, are at the back of the altar along the circular wall of the bema. The seats were of silver gilt. The pillars which separated them were of pure gold. All this costly and gorgeous structure has of course disappeared from the modern mosque. The eye now ranges without interruption from the entrance of the royal door to the very extremity of the bema;—the only objects to arrest observation being the Sultan's Gallery (maksure), which stands at the left or north side of the bema; the mimber, or pulpit for the Friday prayer, which is placed at the right or

* Decline and Fall, vol. iv. p. 493.
† *Ibid.*, vol. iv. p. 413.

southern end of the ancient iconostasis; the mahfil, or ordinary preaching-pulpit in the centre of the mosque; and the mihrab, or sacred niche, which is at the south-east side of the bema.

It was more difficult, in converting the church into a mosque, to get rid of the numerous sacred pictures in gold and mosaic which adorned the walls and arches. Accordingly, instead of attempting to remove or destroy them, the Moslem invaders of the church were content with covering all these Christian representations with a coat of plaster; and thus in the late reparation of the mosque, the architect, having removed the plaster, was enabled to have copies made of all the groups which still remain uninjured. Of the principal of them M. Salzenberg has given fac-similes. On the great western arch was represented the Virgin Mary, with SS. Peter and Paul. On the side walls of the nave, above the women's choir upon either side, were figures, in part now defaced, of prophets, martyrs, and other saints. M. Salzenberg has reproduced in his volume, SS. Anthemius, Basil, Gregory, Dionysius the Areopagite, Nicolas of Myra, Gregory the Armenian Apostle, and the prophets Jeremiah, Isaiah, and Habakkuk. On the great eastern arch was a group consisting of the Virgin Mary, St. John the Baptist, and the Emperor John Palæologus, the last Christian restorer of the building; but these figures—and still more the group which decorated the arch of the bema, our Lord, the Virgin, and the Archangel Michael—are now much defaced. Much to the credit of the late Sultan, however, he not only declined to permit the removal of these relics of ancient Christian art, but gave orders that every means should be taken to preserve them; at the same time directing that they should be carefully concealed from Moslem eyes, as before, by a covering of plaster, the outer surface of which is decorated in harmony with those portions of the ancient mosaic which, not containing any object inconsistent with the Moslem worship, have been restored to their original condition. Accordingly, the winged seraphim at the angles of the buttresses which support the dome have been preserved, and, to a Christian visitor, appear in strange contrast with the gigantic Arabic inscriptions in gold and colours which arrest the eye upon either side of the nave and within the dome, to commemorate the four companions of the Prophet, Abu-bekr, Omar, Osman, and Ali.

But there is one characteristic of St. Sophia, which neither time nor the revolutions which time has brought have been able to efface or even substantially to modify—the strikingly graceful and elegant, although far from classically correct, grouping of the pillars which support the lesser semi-domes and the

women's choir. It would be impossible, without the aid of a plan, to convey any idea of the arrangement of this matchless assemblage of columns, which, as we have already observed, are even less precious for the intrinsic richness and beauty of their material than for the interesting associations which their presence in a Christian temple involves. Most of these may still be identified. The eight red porphyry pillars standing, two and two, under the semi-domes at either end of the nave, are the celebrated columns from the Temple of the Sun, already recorded as the gift of Marcia, offered by her 'for the salva-'tion of her soul.' The eight pillars of green serpentine which support the women's choir, at either side of the nave, are from the temple of Diana at Ephesus; and among the remaining pillars on the ground-floor, twenty-four in number, arranged in groups of four and four, are still pointed out representatives of almost every form of the olden worship of the Roman Empire —spoils of the pagan temples of Athens, Delos, Troas, Cyzicus, and other sanctuaries of the heathen gods.

Less grand, but hardly less graceful, are the groups of pillars, sixty-seven in number, in the women's choir above the aisles and the inner porch. The occasional absence of uniformity which they present, differing from each other in material, in colour, in style, and even in height, although it may offend the rules of art, is by no means ungrateful to the eye. In the total number of the pillars of St. Sophia, which is the broken number one hundred and seven, there is supposed to be a mystic allusion to the seven pillars of the House of Wisdom.*

Such was St. Sophia in the days of its early glory—a fitting theatre for the stately ceremonial which constituted the peculiar characteristic of the Byzantine Court and Church. On all the great festivals of the year—Christmas, Epiphany, Palm Sunday, Easter, Pentecost, and Ascension; at the ceremony of the emperor's coronation; at imperial marriages; and on occasions, more rare in the inglorious annals of the Lower Empire, of imperial triumphs;—the Emperor, attended by the full array of his family and court, went in state to St. Sophia and assisted at the celebration of the Divine Mysteries. The Emperor himself, with his distinctive purple buskins and close tiara; the Cæsar, and, in later times, the Sebastocrator, in green buskins and open tiara; the Despots, the Panhypersebastos, and the Protosebastos; the long and carefully graduated line of functionaries, civil and military—the Curopalata, the Logothete, and Great Logothete, the Domestic and Great Domestic, the Prostostrator,

* Proverbs, ix. 1.

the Stratospedarch, the Protospatharius, the Great Æteriarch, and the Acolyth, with the several trains of attendants in appropriate costume which belonged to each department;—combined to form an array for which it would be difficult to find a parallel in the history of ceremonial; and when to these are added the purely ecclesiastical functionaries, for whose number even the munificent provision of space allotted by Justinian's architect was found at times insufficient, some idea may be formed of the grandeur of the service, which, for so many ages, lent to that lofty dome and these stately colonnades a life and a significance now utterly lost in the worship which has usurped its place. As a purely ecclesiastical ceremony, probably some of the great functions at St. Peter's in Rome surpass in splendour such a ceremonial as the 'Great Entrance' at St. Sophia on one of the Emperor's days. But the latter had the additional element of grandeur derived from the presence of a court unrivalled for the elaborate stateliness and splendour of its ceremonial code.

We have said that the Church of Justinian is, in all substantial particulars, the St. Sophia of the present day. In an architectural view the later history of the building is hardly worth recording. The eastern half of the dome, in consequence of some settling of the foundation of the buttresses, having shown indications of a tendency to give way, it became necessary in the reign of Basil the Macedonian, towards the end of the ninth century, to support it by four exterior buttresses which still form a conspicuous object from the Seraglio Place. The Emperor Michael, in 896, erected the tower still standing at the western entrance, to receive a set of bells which were presented by the Doge of Venice, but which the Turks have melted down into cannon. About half a century later, a further work for the purpose of strengthening the dome was undertaken by the Emperor Romanus; and in the year 987 a complete reparation and re-strengthening of the dome, within and without, was executed under Basil the Bulgaricide, in which work the cost of the scaffolding alone amounted to ten hundred-weight of gold.

No further reparations are recorded for upwards of two centuries. But, to the shame of the founders of the Latin empire of Constantinople, the Church of St. Sophia suffered so much in their hands, that, after the recovery of the city by the Greeks, more than one of the later Greek emperors is found engaged in repairing the injuries of the building. Andronicus the Elder, Cantacuzenus, and John IV. Palæo-

logus, each had a share in the work; and, by a curious though fortuitous coincidence, Palæologus, the last of the Christian emperors who are recorded as restorers of St. Sophia, appears to be the only one admitted to the same honour which was accorded to its first founder Justinian—that of having his portrait introduced into the mosaic decorations of the building. John Palæologus, as we saw, is represented in the group which adorned the eastern arch supporting the great dome. The figures, however, are now much defaced.

How much of the injury which, from whatever cause, the mosaic and other decorations of St. Sophia have suffered, is due to the fanaticism of the Turkish conquerors of Constantinople it is impossible to say with certainty. Probably, however, it was far less considerable than might at first be supposed. Owing to the peculiar discipline of the Greek Church, which, while it freely admits painted images, endures no sculptured Christian representations except that of the Cross itself, there was little in the marble or bronze of St. Sophia to provoke Moslem fanaticism. The crosses throughout the building, and especially in the women's choir, have been modified, rather than completely destroyed; the mutilator being generally satisfied with merely chiselling off *the head of the cross* (the cruciform character being thus destroyed), sparing the other three arms of the Christian emblem. For the rest, as we have already said, the change consisted in simply denuding the church of all its Christian furniture and appliances, whether moveable objects or permanent structures, and in covering up from view all the purely Christian decorations of the walls, roof, and domes. The mosaic work, where it has perished, seems to have fallen, less from intentional outrage or direct and voluntary defacement, than from the long-continued neglect under which the building had suffered for generations, down to the restoration by the late Sultan.

The alterations of the exterior under Moslem rule are far more striking, as well as more considerable. Much of the undoubtedly heavy and inelegant appearance of the exterior of St. Sophia is owing to the absence of several groups of statues and other artistic objects which were designed to relieve the massive and ungraceful proportions of the buttresses and supports of the building as seen from without. Of these groups the most important was that of the celebrated horses now at St. Mark's in Venice. On the other hand, the addition of the four minarets has, in a different way, contributed to produce the same effect of heaviness and incongruity of proportion. Of these minarets, the first, that at the

south-east angle, was built by Mahomet II. The second, at the north-east, was erected by Selim, to whose care the mosque was indebted for many important works, intended as well for its actual restoration as for its prospective maintenance and preservation. The north-western and south-western minarets are both the work of Amurath III. These structures, although exceedingly light and elegant in themselves, are altogether out of keeping with the massive structure to which they were intended as an appendage, and the pretentious style of their decoration only heightens by the contrast the bald and unarchitectural appearance of the exterior of the church. It is not too much to say that the effect of these peculiarly Mahometan additions to the structure is externally to destroy its Christian character.

But whatever may be said of the works of former Sultans, it is impossible not to regard the late Sultan Abdul Medjid as a benefactor to Christian art, even in the works which he undertook directly in the interest of his own worship. From the time of Amurath III. the building had been entirely neglected. Dangerous cracks had appeared in the dome, as well as in several of the semi-domes. The lead covering of all was in a ruinous condition; and the apertures not only admitted the rain and snow, but permitted free entrance to flocks of pigeons and even more destructive birds. The arches of the gynæconitis were in many places split and in a tottering condition. The pillars, especially on the upper floor, were displaced and thrown out of the perpendicular; and the whole structure, in all its parts and in all its appointments, presented painful evidence of gross and long-continued neglect. M. Louis Haghe has represented, in two contrasted lithographed sketches, the interior of the mosque such as it was and such as it now is since the restoration. The contrast in appearance, even on paper, is very striking; although this can only be realised by those who have had the actual opportunity of comparing the new with the old. But the substantial repairs are far more important, as tending to the security of a pile so venerable and the object of so many precious associations. The great dome, while it is relieved from the four heavy and unsightly buttresses, is made more permanently secure by a double girder of wrought iron around the base. The lead of the dome and the roof has been renewed throughout. The tottering pillars of the women's choir have been replaced in the perpendicular, and the arches which they sustain are now shored up and strengthened. The mosaic work throughout the building has been thoroughly cleaned and restored, the

defective portions being replaced by a skilful imitation of the original. All the fittings and furniture of the mosque—the Sultan's gallery, the pulpits, the mihrab, and other appurtenances of its worship—have been renewed in a style of great splendour. The work of reparation extended over two years, and owed much of its success, as well as of the spirit in which it was executed, to the enlightened liberality of Redschid Pacha. An effort is said to have been made by the fanatical party in Constantinople to induce the Sultan to order the complete demolition of the mosaic pictures on the walls, as being utterly prohibited by the Koran. But he firmly refused to accede to the demand; and it was with his express permission that the King of Prussia commissioned M. Salzenberg to avail himself of the occasion of their being uncovered, in order to secure for the students of the Christian art of Byzantium the advantage of accurate copies of every detail of its most ancient as well as most characteristic monument.

With the restoration of Abdul Medjid the annals of the architectural structure of St. Sophia close. But this venerable pile has another story which immeasurably transcends in interest the record of its purely material fortunes. The history of the church of St. Sophia might with little exaggeration be described as the history of at least one branch of the Eastern Church—the Greek, as contradistinguished alike from the earlier Egyptian and Syrian and from the later Slavonic communities, all of which, however distinct in themselves and modified in detail by the varieties of national development, are united on the broad ground of their common profession of orthodoxy and their common antagonism to the supremacy of Rome. St. Sophia is in this sense the centre of Greek orthodoxy, as it is the type of Greek nationality—at least of the Greek nationality of the Byzantine Empire. The ecclesiastical preeminence of Constantinople, and the consequent organisation of the Byzantine Church as a national institution with defined limits and recognised prerogatives, was avowedly made to rest on the political supremacy of the imperial city; and in his design of raising St. Sophia in architectural beauty, and the ceremonial of St. Sophia in ritual splendour, immeasurably beyond all the other churches of his empire, Justinian was but doing homage to the national spirit by embodying it in a form not unworthy of the greatness of his aims.

And of this national character we find innumerable traces in the history of the patriarchal church. St. Sophia was the theatre of every ecclesiastical ceremony which bore a strictly

national significance. It was in virtue of his coronation in St. Sophia that the emperor entered upon the plenitude of his imperial privileges. Although Michael Palæologus had already been crowned at Nice, he did not fail, after the recovery of the imperial city from the Latins, to renew the coronation solemnly in St. Sophia. To the same church were reserved all the other ceremonies connected with the imperial succession, such as the marriage of the emperor and the baptism of the porphyrogenitus. It was upon the high altar of this church that the law which, though borrowed from ancient Rome, places in so strong a light the narrow exclusiveness of the Greek spirit—the law prohibiting the marriage of the Byzantine princes with a stranger—was inscribed; and when, in the gloomier days of his empire, Andronicus, discarding the pride and exclusiveness of the older Byzantine sovereigns, sought in marriage Jane, the sister of the Count of Savoy, he did not take her to his bed till she had been solemnly rebaptised in St. Sophia under the more orthodox name of Anne, and having then been crowned according to immemorial usage, was adopted into all the privileges of the Greek race as well as of the Greek religion.

It would be a highly instructive, therefore, as it would be a deeply interesting, study to trace out the story of this ancient church in connexion with all the great revolutions, religious as well as political, of Byzantine history. If St. Sophia was the silent theatre of the varying phases of the more abstruse and speculative controversies, such as those on the Henoticon or Three Chapters, its lofty dome often resounded with angry clamour, and its porch was more than once stained with blood, during the sanguinary contests of iconoclasm; and it is a startling reflection for the Christian visitor of the mosque at the present day that the very mosaics and pictorial decorations which still lie concealed upon its walls were themselves at once the witness of this furious conflict, and the actual object of alternate worship and desecration by the contending parties.

Nor will the historical student fail to recall St. Sophia as the scene of the successive triumph and disgrace of many of the great ecclesiastical leaders whose rival claims still engage the attention and divide the suffrages of history. It was here that Ignatius successfully withstood, even in his fall, the attempt to extort from him by menace and by violence the resignation of his see. It was here that in the day of Ignatius's triumph, the crozier was broken in the hand, and the sacred vestments torn from the back of his rival, Photius, in token of deposition from his see and degradation from his order.

And when the struggle for supremacy, long pending between Rome and Constantinople, was at length brought to its crisis under Michael Cerularius, the last act of the papal communication, through the legates of the Roman See, was to place the solemn sentence of excommunication upon the high altar of St. Sophia, as the centre of Byzantine nationality and the representative of Byzantine claims.

A very curious chapter, indeed, might be written merely on the history of the various excommunications and other ecclesiastical censures of which St. Sophia was the scene. To write this in detail would be to follow the course of the several controversies which agitated the Greek Church, and to record the numberless alternations of triumph and defeat between the conflicting shades of opinion. But abundant material might be found by selecting only those more characteristic examples of the exercise of coercive spiritual authority which the Byzantine annals supply. The example, long remembered in the West, of St. Ambrose shutting out Theodosius from the sanctuary while his hands were still freshly stained with crime, has more than one parallel in the annals of the Byzantine basilica. Leo the philosopher was excluded from St. Sophia because, in defiance of the law of the Greek Church, he married a fourth wife. The Cæsar Bardas was publicly repelled by Ignatius from the Holy Table on account of an adulterous marriage; and the same punishment marked the crime of Zimisces, the murderer of Nicephorus Phocas. But some of the ecclesiastical censures of the East have a character almost entirely their own. It would be difficult to find in western history a counterpart for the device, already alluded to, of the Acœmetan monk, who pinned the papal sentence of excommunication on the back of Acacius's cope as he passed by in the procession of the 'Great Entrance.' There is a fact recorded of the patriarch Athanasius, in the reign of Andronicus the Elder, which is still more extraordinary. This patriarch, by his excessive rigour, had so provoked the hostility of the people as well as of the clergy, that the emperor compelled him to resign his office and retire to a convent. Before his withdrawal, Athanasius drew up two parting addresses; the first, which he made public, was written in a spirit of the tenderest charity, of Christian forgiveness of enemies, and of humble resignation to the will of Providence. The second, however, was of a very opposite character, and was in truth a fierce denunciation under the direst anathema, and a solemn exclusion from the communion of the church, whether in heaven or on earth, of all the authors of his disgrace, and of all those who had had a share in promoting it.

This sentence, however, he was afraid to make public, and he contented himself, before he withdrew to his convent, with depositing it, enclosed in an earthen pot, upon the top of one of the pillars of St. Sophia. Four years later it was discovered by some boys who had mounted the pillars by a ladder in search of pigeons' nests. It was made public without delay. The emperor was terrified by a supposed supernatural warning; and, believing himself involved in this excommunication, and learning after consultation that such a censure could only be withdrawn by the person who had inflicted it, consented to the restoration of Athanasius. This weakness upon his part was made the subject of a caricature which in itself is not uncharacteristic of the age. The footcloth of the throne was carried off, and in its place was substituted a painting or piece of embroidery, representing the emperor with a bridle in his mouth and the patriarch Athanasius leading him, like a patient beast of burden, to the feet of Christ. It is hardly less characteristic that, the authors of the caricature having been discovered, Athanasius insisted that they should be put to death; and when Andronicus refused to comply with his fanatical demand, he again withdrew in indignation from the court, and ended his days in the retirement of his cell.

It ought, however, to be added, that throughout the long series of patriarchs who occupied the patriarchal throne of St. Sophia, there is not one who for extravagance and rigour in the enforcement of discipline can be compared with this Athanasius. One of the recorded instances of his severity—his punishing an ass which had eaten a lettuce in a convent garden, is probably only a pleasant satire; but the satire, if satire it be, is at least an indication of the popular estimate of his character. And, on the other hand, unfortunately, there are to be found in the line of patriarchs examples of laxity hardly less extravagant and incredible. We need only mention the patriarch Theophylact, in the tenth century, who was entirely given up to pleasure, keeping no fewer than two thousand horses for the chase and the hippodrome, and so utterly absorbed by his love of sport that on one occasion, while engaged, in full vestments, at one of the solemn services of Passion Week, in St. Sophia, he actually rushed from the altar to the stable, on hearing from his chief equerry that his favourite mare had just foaled; so impatient was he to learn how far the foal had realised the promise of excellence which its breeding had held out!*

* Baronius' Annales, tom. xvi. 956. (Lucca ed.)

It is not easy to trace the fortunes of St. Sophia during the Latin occupation of Constantinople. But it is certain that, among the many indignities of the conquest, there was none which jarred more painfully on the national feeling than the profanation of the sacred dome by the rites of the Western heresy. The sacrilegious outrages by which the church was desecrated in the first fury and license of conquest, and which have hardly a parallel except in the frenzied profanities of the French Revolution, gave a greater shock to the common feelings of humanity, and excited a deeper sense of natural horror; but it may be doubted whether the peculiar religious sensibilities of the Greeks did not suffer more acutely at the sight of the hateful azyms set forth on the table of the prothesis of their national church, or of the deacon ostentatiously pouring water into the chalice within the open doors of its bema. And if such was the effect on the religious sensibilities of the Greeks produced by these ritual innovations, it was a no less painful blow to their national sentiment when the first Latin emperor, Baldwin, was crowned in their ancient basilica; although the bitterness was somewhat diminished by the absence of what in their eyes had always been an essential condition of the ceremony—the unction by the hands of the patriarch. The place of the patriarch at Baldwin's coronation was held by the papal legate. The Greek patriarch had fled; and not the least dramatic among the strange incidents of the Latin capture of Constantinople is that which Nicetas, the historian of the siege, relates, among the events of his own flight with his family to Selymbria,—his coming up with the fugitive patriarch, alone and unprotected, riding upon an ass, in search of some refuge from the violence of the Latin barbarian. But the project of denationalisation was not long left incomplete in this point by the conquerors. Thomas Morosini, a Venetian, was solemnly enthroned, as Latin patriarch, in St. Sophia; and, in the vain hope of perpetuating the Venetian succession, he was bound by oath to appoint no canons of St. Sophia except of that nation. The provision, however, was as futile as its tenure was shortlived. Of the six Latin patriarchs who sat in St. Sophia, only the first and last were Venetians. Indeed, the ecclesiastical rule of the Latins produced no permanent social or religious effect at Constantinople. If it reached below the surface at all, it was but to quicken heart-burnings and animosities already sufficiently active. The only trace which the Latins left of their occupation of St. Sophia is a monument on which even the most indifferent visitor still looks with emotion—the tomb of the greatest of the sons of Venice—

'blind old Dandolo,
The octogenarian chief, Byzantium's conquering foe!'

Some notion may be formed of the state of feeling with which they were regarded by the Greeks, from the recorded avowal of the first minister of the empire, 'that he would 'prefer to see the turban of Mahomet in Constantinople, rather 'than the pope's tiara or the cardinal's hat.'*

And yet, on the re-establishment of the Greek Empire, we find Michael Palæologus, in the hope of not only disarming the hostility of the West, but of converting it into a useful alliance, commencing that long series of negotiations for the union of the churches, which flattered Western Christendom with delusive hopes for above a hundred years. But this attempt was as futile as it was insincere. The union agreed to with every appearance of promise for the West at Lyons, was celebrated with all external solemnity in St. Sophia. But, for the body of the people and clergy, the celebration was nothing more than a form; and on the death of Michael, one of the first acts of his successor was to purify St. Sophia, and, in St. Sophia, the national church itself, after the desecration to which it had thus been subjected in the eyes of the orthodox Easterns.

Throughout the whole series, indeed, of the events which followed, St. Sophia holds a prominent position. The possession of the great national temple was the object of many a struggle between the friends of union and the far more numerous body of its antagonists. In the last, and as it seemed the most promising, effort at union,—that made by John Palæologus in the very throes of the expiring empire, when it was agreed that the representatives of the two churches should meet in a council to be held in the West,—it may almost be said that, for the purpose of adding authority to their decision in the eyes of their own people, St. Sophia itself was transferred to the scene of the deliberation. The patriarch was attended to the council by all the great dignitaries of the cathedral. Besides a crowd of minor officials, the five cross-bearers of St. Sophia, and the Great Ecclesiarch or preacher—that Syropulus whose history of the council is still preserved—appeared in his train. The choicest and most gorgeous contents of its sacred wardrobe, all its richest gold and silver plate, all its costliest ecclesiastical furniture, were carried across the sea to grace the array of the representative of Greek orthodoxy; and in the contest of

* Gibbon, vol. vi. p. 299.

ecclesiastical etiquette which ensued, the chief claim of the patriarch was made to rest upon the traditional usages of St. Sophia. But the attempt at representation did not reach beyond the name. While the emperor, with the patriarch and his allies in the project of union, was engaged in discussion at Florence, the true St. Sophia was the centre of a fierce and fanatical organisation for the purpose of resistance; and when, at the close of the council and the completion of the documentary union, the new united patriarch (the old patriarch having died during the council) was consecrated in St. Sophia, its nave was a silent solitude; the cross-bearers withheld their service; the long array of clergy deserted the choir; and not a single voice was found but those of the pliant officials of the court engaged in the ceremony, to join in the acclamations and prayers which were wont to hail the inauguration of a newly consecrated prelate.

After a vain effort to bend the national will, maintained, but without life or reality, for some years, John Palæologus himself in the end abandoned the unpopular project. He formally renounced the union before his death. But fear was stronger than consistency: and once more, under the alarm of the imminent invasion of the Turks, his brother and successor, Constantine, reverted, almost in despair, to the expedient, so often tried in vain, of a renewal of the union, as the price of Latin aid for his all but invested city. Cardinal Isidore of Russia arrived as legate from the pope about six months before the great catastrophe; and, on the 12th of December 1452, St. Sophia once again witnessed the union of East and West in the most solemn act of their common worship, the names of the Pope Nicholas V. and of Gregory the unionist patriarch being joined together in the commemoration. But, again, the national prejudice was too strong to be hushed by the instinct of fear, or seduced into acquiescence by the suggestions of state policy. The people turned with contempt from the unfamiliar and unpicturesque costume of the Latin legate and clergy, and fled in horror from the altar desecrated in Greek eyes by the unleavened oblation and the mingled chalice; and St. Sophia not only became again a desert, but, in the rigour of Byzantine orthodoxy, the pliant or unreflecting Greeks who had received communion at the hands of the foreign priest were subjected to public penance before they could be admitted into any other of the national churches.

Not the least strange passage of this curious history is its close, in which, while the Turkish invader is thundering at the walls, St. Sophia is seen once again filled with a throng of

trembling and terror-stricken worshippers. Some of the incidents, as recorded by the historian Phranza, himself an eye-witness, are extremely touching. During the sleepless night which preceded the fall of Constantinople, the emperor, with a few faithful companions, repaired to the cathedral,—

'within a few hours to be converted into a mosque, and received together with them the Holy Communion. But there needed an impulse more powerful than the calm courage of these devoted men, to overcome the superstitious repugnance with which the great mass of the people had deserted the church which they believed to have been polluted by the Latin worship. That motive was found in a superstitious belief still more blind. There was an old prophecy current among the people, that the Turks would one day enter Constantinople; that they would carry all resistlessly before them as far as the Column of Constantine in the square before St. Sophia; but that this spot was to be the limit of their progress; that an angel would there descend from heaven, with a sword in his hand, which he would deliver to a man who was to be seated at the foot of the pillar; and that, headed by this divinely-commissioned leader, the Christians would drive back the Turks, not alone from the city, but to the extremest confines of the empire, and to the very frontier of Persia! Strong in the confidence thus inspired, the helpless citizens, forgetting the ban under which it had been placed, flocked from every part of the capital into the church of St. Sophia. The available space is calculated to be capable of containing 30,000 persons. In the course of an hour the sanctuary, the choir, the nave, the upper and lower galleries, were filled with the multitudes of fathers and husbands, of women and children, of priests, monks, and religious virgins; the doors were barred on the inside, and they sought protection from the sacred dome which they had so lately abhorred as a profane and polluted edifice.' *

This vain hope but aggravated the horrors which followed; dreadful as they were, the historian of the Decline and Fall commences his relation of them with his accustomed sneer that 'while this crowd expected the descent of the tardy angel, the 'doors were broken with axes.' The details of slaughter and pillage are beyond our present purpose; for the Christian history of St. Sophia terminates with that fatal moment when the conquering Mahomet at the head of his 'vizirs, bashaws, and 'guards,' each of whom, in the words of one of the historians, 'was robust as Hercules, dexterous as Apollo, and equal in 'battle to any ten ordinary mortals,' rode to the great door, and, with difficulty forcing a passage through the horror-stricken crowd, advanced to the high altar and took possession of it in the

* Gibbon's Decline and Fall, vol. vi. p. 312.

name of Islam, with the well-known formula: 'There is no God 'but God, and Mahomet is the prophet of God.' Even for the material structure itself, the work of destruction far exceeded all that had gone before, although Gibbon, with much truth, if with much bitterness, remarks that the example of sacrilege was imitated from the Latin conquerors of Constantinople. The narrative of Phranza is deeply pathetic. In his highly-wrought phrase, 'the earthly heaven, the second firmament, the vehicle 'of the cherubim, the throne and the glory of God,' was despoiled of the accumulated oblations of ages of pious munificence, and 'the gold and silver, the pearls and jewels, the vases and sacer-'dotal ornaments, were most wickedly converted to the service 'of mankind. After the divine images had been stripped of 'all that could be valuable to a profane eye, the canvass, or 'the wood, was torn, or broken, or burnt, or trodden under foot, 'or applied, in the stables or the kitchen, to the vilest uses.'*

The memories of that dreadful day still linger in the whispered traditions of the Greeks of Constantinople. A red streak on one of the pillars is pointed out as the mark of the extent of the carnage, and is reputed to have been made by Mahomet himself, who is said to have been able, standing on the heaped-up dead, to reach to this height with his bloody hand.† A still more popular tradition is attached to a closed-up door through which it is said that the priest who was celebrating the mass at the moment when the Turks burst into the church, escaped, with the sacred elements and the most precious relics of the sanctuary.‡ It was in vain that the Turks attempted to pursue him. The door closed behind him. All efforts to force it were fruitless; the priest was seen no more by human eyes; but he is to return once again on the day of retribution, when, under the judgment of God, the crescent shall fall, and the ancient church of Justinian shall again be restored to the long-deserted worship of the Divine Wisdom. We may add that the mysterious door remained undisturbed till the late restoration of the building, when it was found to lead to a narrow passage blocked up with masses of rubbish and evidently long disused.

On the Friday which followed the storming of the city the new ritual of St. Sophia was publicly inaugurated. Mahomet, having assembled his troops in the great market-place, Akserai, marched in military array to the church. The imam preached from the ambo: the Sultan himself performed the *namaz* of

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* Gibbon's Decline and Fall, vol. vi. p. 315.

† Wallace, 'Von Wien nach Constantinopel,' p. 150.

‡ Aya Sofia, p. 5.

prayer and thanksgiving on the great altar so lately hallowed by the last Christian celebration of the eucharistic sacrifice; and the muezzin proclaimed from the Venetian bell-tower the *ezan*, which has never failed from that day: 'God is the Most 'High! there is no God but God, and Mahomet is the prophet 'of God! Come to the Place of Tranquillity! come to the 'Asylum of Salvation!' History has few more striking contrasts than the St. Sophia thus desecrated presents to that olden temple of orthodoxy which, from the very day of the Hegira, had so often echoed with the well-known formula of the catechumen, *Ἀνάθεμα τῷ Μωάμετ, καὶ πάσῃ τῇ αὐτοῦ διδαχῇ καὶ διαδοχῇ.* 'Anathema to Mahomet, and to all his teachings 'and traditions.'

What was thus done for the material Church of St. Sophia, was soon after completed by the formal subjection of its chief pastor to Ottoman supremacy, in the assumption by the Sultan of all those rights in relation to the patriarch which had belonged to the Byzantine emperor. One of the consequences of the complete isolation of the Constantinopolitan Church from the West, had been a more entire recognition of the spiritual headship of the civil ruler, than was consistent with the theocratic theories of the mediæval papacy of the West. The controversy as to investitures, which so long agitated the German Empire, was entirely unknown in the East. The forms of investiture which at Treves or Cologne had given so much offence, as appearing to involve the idea of spiritual supremacy on the part of the sovereign, were quietly acquiesced in at Constantinople. The Greek emperor was accustomed to invest the new patriarch by placing the ring upon his finger and delivering the crozier into his hand: and, when the policy of Mahomet II. led him to grant toleration to his new Christian subjects, it also suggested forcibly to his mind the advantages to be derived from the power of directing or controlling the choice of their chief ecclesiastical ruler. He was but too ready, therefore, to claim for himself and his successors the rights which their Christian predecessors had enjoyed; and when the Christians of the Byzantine Empire received the assurance that their lives, their liberties, and their religion would be respected, it was coupled with the condition that they were to look to the Sultan as succeeding to the position of their former sovereigns. 'In the election and investiture of 'a patriarch,' says Gibbon, 'the ceremonial of the Byzantine 'court was revived and imitated. With a mixture of satisfac-'tion and horror, they (the Christians) beheld the Sultan on his 'throne; who delivered into the hands of Gennadius the crozier

'or pastoral staff, the symbol of his ecclesiastical office; who 'conducted the patriarch to the gate of the Seraglio, presented 'him with a richly caparisoned horse, and directed the vizirs 'and bashaws to lead him to the palace which had been allotted 'for his residence.' Driven from his ancient patriarchal church, the patriarch established himself for a time in the church of the Holy Apostles. That church, however, he was soon afterwards compelled to exchange in its turn, for that of 'The Most 'Holy' (Παμμακαρίστου) to which some of the most interesting relics of this old cathedral, and among them the throne of St. John Chrysostom, were transferred. The last migration of the patriarchal seat was to the church of St. George, where it is now fixed.

The hold on the Church thus established by the conquerors has been ruthlessly maintained. The power not merely of appointing but of setting aside the patriarch has been freely and unscrupulously exercised; and to the abuse of this power, and the still more corrupt acquiescence of the prelates in its exercise, is to be traced that fatal taint of simony which has eaten like a cancer into the very heart of the Eastern Church. The patriarchal dignity was not bestowed by the Sultan, except at a great price; and in order to the more frequent opportunity of exacting this price, patriarchs were unhesitatingly deposed, and even put to death, for the purpose of creating more frequently a vacancy so profitable to the Sultan and the subordinate officials. The simony of the head, it need hardly be said, involved the prevalence of proportionate, or perhaps even deeper guilt among the minor dignitaries of the Church.*

It would be interesting to run through the various councils of which St. Sophia has been the scene. But we have already exceeded our intended limits. We shall only mention the latest of the series, and perhaps to modern ideas the most curious of them all—that which was held on occasion of the celebrated Barlaamite controversy upon the strange form of Oriental Quietism—that of the Ὀμφαλοψύχοι—which in the fourteenth century ran its course through most of the Greek monasteries and schools, and of which the theological tenets, as well as the characteristic practices, are embodied in the instruction of one of its most prominent apologists. 'When 'thou art alone in thy cell,' says he, 'shut thy door and seat 'thyself in a corner; raise thy mind above all things vain and

* See Neale's 'Patriarchate of Alexandria,' vol. ii. pp. 368–377, &c.

'transitory; recline thy beard and chin upon thy breast; turn 'thy eyes and thoughts towards the middle of thy belly, the 'region of the navel, and search the place of the heart, the seat 'of the soul. At first all will be dark and comfortless, but if 'you persevere, day and night, you will feel an ineffable joy; 'and no sooner has the soul discovered the place of the heart, 'than it is involved in a mystic and ethereal light.' The nature of this supposed light became the subject of a violent dispute, being regarded by the mystics as the essence of God himself, while Barlaam, as the representative of Western teaching, denounced that notion as heretical and blasphemous. In the more philosophical explanation of the later Quietism, a distinction was made between the 'essence' and the 'opera-'tions' of God; to which latter category was referred the light of the mystics, in common with that of the transfiguration of our Lord on Mount Thabor. The details of the council held on this heresy in St. Sophia, under the presidency of the Emperor Cantacuzenus himself, would hardly repay the trouble of recital; but not the least interesting of the contrasts between the older and the later history of St. Sophia would be a comparison of these Christian discussions on Quietism with the proceedings of a Mahometan council which was held in St. Sophia, as a mosque under Murad IV., and of which Von Hammer has given an account in his most valuable notice of this great historical monument of Christian and Turkish Constantinople.*

Equally instructive might be a review of the military triumphs in which the name of the old cathedral figures. In the latter days of the empire they were infrequent enough, the last being that which followed the termination of the Pannonian war. But the reader will dwell with greater interest on a more recent military crisis, in which, under its new worship, the religious influences of St. Sophia have been used as an incentive to popular enthusiasm and a rallying-point for the loyalty of the soldiers of the Crescent. It was on occasion of the well-known *coup-de-main* by which Sultan Mahmoud, in 1822, freed himself and his crown for ever from the military despotism of the Janissaries. The instrument employed to arouse the popular enthusiasm was the Sandjac-Sheriff, or Holy Standard, which is made, according to the tradition, of the nether garment of the Prophet, and is so sacred in the estimation of the people that it is forbidden to all but true believers to look upon it, nor is it submitted even to their gaze except upon the most solemn occasions.

* Constantinopel und der Bosporus, i. p. 353.

Having collected all the troops upon which reliance could be placed, the Sultan summoned a council, in which he proposed to raise the Sandjac Sheriff, as an appeal to the loyalty of all good Mussulmans. This was no sooner known in public, than crowds rushed from their houses in all quarters of the city to join the procession. Upon reaching St. Sophia, the mufti planted the sacred banner on the pulpit, and the Sultan pronounced an anathema against all who should refuse to range themselves beneath it. The Janissaries were then solemnly adjured to acknowledge their error, and to disperse. On their refusal, the Sultan proposed the question whether it was lawful to put down rebellious subjects by force, and on the Sheik's replying in the affirmative, demanded from him his *fetva* to slay, if resistance were offered. The fatal *fetva* was accorded; the bloody sequel of the history is known; and the impulse thus given from the St. Sophia of Justinian to the slaughter of the Janissaries, is a sort of historical retribution for the destruction of the older church in that ancient military insurrection—the Nika sedition—which forms, in some sense, a parallel for the scenes of turbulence so frequent in the Janissary rule.

There is another topic upon which we should gladly dwell—the influence upon church architecture which this great monument of the genius of Anthemius has exercised, in ancient and in modern times. The churches of the same name at Trebizond, at Kiev, at Thessalonica, and elsewhere, are servile reproductions of the church of Anthemius; and there is hardly a church of the Greek or Slavonic rite which does not embody some of the ideas of the great prototype of them all. What is really interesting for us is to compare its leading characteristics with those of the earlier as well of the later architecture of the West, and to estimate the degree of influence which each exerted upon the other. On this head we can but refer, although with some reservations, to the elaborate and magnificently illustrated work of MM. Texier and Pullan.

These and the other associations, ancient and modern, of St. Sophia, might supply matter for speculation almost inexhaustible. But it is time to draw to a close. We cannot, however, pass from the subject without expressing a hope that, in the increased facilities of access which the recent changes in the policy of the Porte have created, some scholar may find an inducement to take it up in a broad and comprehensive spirit—its history, its ceremonial, its art, and the numberless associations connected with each which it involves. The subject would repay, by innumerable and most interesting illustrations, the researches of a student thoroughly familiar with Byzantine history; and

however jealous the suspicion with which every such attempt is still watched by the bigotry of local officials, there is always now to be found in the influence of the representatives of the Western Powers with the higher departments of the government of the Porte, a means of counteracting that adverse spirit which, in former days, was sure to meet every effort at inquiry upon the very threshold.

'Worse than steel and flame, and ages slow
Is the dread sceptre and dominion dire
Of men who never felt the sacred glow
That thoughts of thee and thine on polished breasts bestow.'

ART. VII.—*Mémoires inédits de Dumont de Bostaquet, Gentilhomme Normand, sur les temps qui ont précedé et suivi la Révocation de l'Edit de Nantes, et sur le Refuge et les Expéditions de Guillaume III. en Angleterre et en Irlande.* Paris: 1864.

THIS is the autobiography of a French Huguenot who, having been forced to leave his country in consequence of the religious persecution which disgraced the reign of Louis XIV., became a soldier of William III., and, after playing an active part in the military scenes of the Revolution of 1688, at length ended his weary pilgrimage in the French colony of Portarlington, in Ireland. The record of his life and experiences passed into the hands of his youngest daughter; and through her, after a succession of descents, it has become the property of Charles Vignoles, sometime minister of the Huguenot church which still exists in the village of Portarlington, and now Dean of the cathedral of Kilkenny. By him the task of editing and publication was confided to Messrs. Read and Waddington,* who judged correctly that an interesting book might be made out of the ancient manuscript, and have spared no pains in illustrating the text by learned notes and well-chosen references. The volume may be compared to a deposit

* These gentlemen, although their names betoken an English origin and English connexions, are distinguished members of the French Protestant body. M. Read, as Secretary of the *Société de l'Histoire du Protestantisme en France*, has rendered the greatest services to this branch of literature, and we hope ere long to revert at greater length to his labours. We are also indebted to these gentlemen for the publication of the curious inedited memoirs of Jean Rou, a Huguenot man of letters who escaped to Holland and England at the same period.

originally of little value, which, under the mellowing influences of time, turns into profitable and fertilising matter. It is probable that the contemporaries of the author would have felt but little interest in his memoirs, for they abound in petty family details, touch the surface only of passing events, and afford no more information about the leading actors in the history of the period than was known to thousands of that generation. For the reader, however, of the present day they possess the attractions which belong to the genuine testimony of one who witnessed the incidents of a remarkable time; and a diligent student, as we think, will glean from them a number of facts that are not a little curious and instructive. Indeed, the historical value of this volume has been attested by two great masters to whom it was shown while as yet unpublished. M. Michelet has quoted largely from it in his work on the reign of Louis XIV., as illustrating with peculiar clearness the condition of the Huguenots of Normandy at the Revocation of the Edict of Nantes; and Lord Macaulay owes to it two or three of those striking and spirited touches that give life to his glowing descriptions.

The name of the author of this volume was Isaac Dumont, of Bostaquet, a fief held by knight-service, in the pleasant Pays de Caux, in Normandy. A genealogy which he compiled in exile apprises us that for many generations his family had belonged to the noblesse of the province, and had given good soldiers to the Bans of the kingdom and honoured magistrates to Rouen parliaments. Indeed, the pride of the gentilhomme breaks out in every chapter of his book, and shows how little the Huguenot creed had interfered with the aristocratic sentiments produced by ancient lineage and distinction. M. de Bostaquet enumerates with minute care the various possessions which at different times his ancestors held by noble tenures, and describes with all a herald's accuracy their additions, honours, achievements, and fortunes. Some, he tells us in an exulting tone, had followed William the Norman to Hastings; and in truth we find on his family tree the names of Beauchamp, De Tot, and Basqueville, well known among the soldiers of the Conquest. On the paternal mansion appeared the arms of D'Yvetot, 'noble before Hugues Capet;' of De Remond, 'sent 'by Francis the First to give the lie to Charles the Fifth;' of De Manneville, 'known at the siege of Calais;' and the House of Dumont, we are informed, could boast not less than twelve quarterings, 'and was allied to most of the noblesse of 'Normandy.' It may be observed, however, that M. de Bostaquet, though proud of his patrician descent, does not even try to

disguise the fact that the blood of several plebeian families had mingled by marriage with his own; thus illustrating M. de Tocqueville's remark that the distinction between the noble and the roturier was less in the France of Louis XIV. than in the France of his great-great-grandson.

About the middle of the sixteenth century, as we gather from the names in their pedigree, the Dumont family became Huguenots, in common with many of the nobles of the province. The Geoffreys, the Pierres, the Remys, and the Guillaumes who had transmitted the honours of the house, give place to Isaacs, Abrahams, and Samuels, all, doubtless, men of the new doctrines. From the silence of their descendant, however, we may infer that they took little part in the busy and sanguinary war of religion, or in the violent revolutionary outbreak which in the reign of Louis XIII. was overcome by the policy of Richelieu. No Dumont figures among the chivalry who fought on the bloody plains of Arques, where Norman nobles perished by scores; and the name is not recorded among the Huguenot supporters of Rohan and Soubise, in their desperate struggle with the Great Cardinal. At this latter time, the chiefs of the house enjoyed high consideration and respect, not only among the neighbouring seigneurie, but also among the proud aristocracy who surrounded the throne of Anne of Austria, and of whom many of the most illustrious still adhered to the faith and ritual of Calvin. Some scions of the family, however, had been already attracted to Holland by the influence of a common Protestantism, had served in the armies of the States-General, and had become known to the Princes of Nassau. Isaac Dumont, the author of this volume, was born at Bostaquet, in 1632, three years after the genius of Richelieu had put an end to the sectarian troubles which had agitated France for several years by placing the Huguenots in the full enjoyment of complete civil and religious equality, while he had taken from them a number of privileges which had proved a source of peril to the monarchy.

The boy, born under these happy auspices, was educated as befitted a scion of the most accomplished aristocracy in Europe. From earliest youth he saw a great deal of the best society of Normandy and Picardy; and it is evident that his Huguenot birth was no obstacle to this intercourse. Having acquired the rudiments at a school at Rouen, he was sent at the age of fourteen to Saumur, one of the four national seats of learning which had been wisely left to the Huguenots as places of academic education. At this period, if we believe the testimony of the provincial synods, the foundation of Duplessis Morny

had fallen off from its godly discipline, and showed little of the austere sanctity for which it had been formerly eminent. The long lovelocks, the gay doublets, the embroidered baldrics, the loose amours, and the 'chivalric style of the majority of the 'students that had no savour of God's word,' had been the subjects of grave complaint; and ancient doctors who had been brought up in the rigid school of the earlier Calvinists had in vain attempted to effect a reformation. In truth, as always has been the case, the sect, not being isolated by persecution, was putting off its peculiar characteristics and assimilating with the nation in its habits; and in this moral change at Saumur we may trace the results of Richelieu's policy.

Of the Huguenot youth who in this way were backsliders from the strait paths that had been trodden by their ascetic fathers M. de Bostaquet certainly appears to have been one; in the company of counts and seigneurs in their teens, whose creed was little more than a fashion, he led a life of frolic and amusement; and in fact, in Jenny Dennistoun's phrase, the Whig lad was quite as bad as a Tory. At eighteen he quitted Saumur, in consequence of an unfortunate duel; and from that place he went for two years to a celebrated school of arms and manége, in order to complete his education in those martial exercises in which the noblesse of France had won peculiar distinction. At the age of twenty he had acquired the accomplishments of a seigneur of the day whose rank entitled him to an invitation to the masques and bransles of the Palais Royal, or under a Condé or a Guebriant to hold a commission in the troops of the household. In all respects a patrician in feeling, his tastes, ideas, habits, and bearing were those of an aristocratic caste; and while he was not unskilled in letters, in music, and other graceful accomplishments, he was a well-trained and chivalrous soldier. Of Calvinism as a principle of faith that separated him from his Catholic fellow-countrymen, and might urge him in defence of the right to overthrow principalities and powers, he probably hardly had a conception, in this, as in many other particulars, very different from the English Puritan, by tyranny maddened into fierce fanaticism.

Having just escaped being drawn into the vortex of the factious anarchy of the Fronde—the Duc de Longueville, as it appears, was one of his many powerful relations—the youth, through that nobleman's influence, became a cornet in the brigade of horse that was being mustered under his auspices as Governor of the Province of Normandy. M. de Bostaquet served not without credit in two or three of the brilliant campaigns which marked the close of Mazarin's career when France, consoli-

dated and in alliance with England, was rapidly destroying the ascendancy of Spain, and, notwithstanding the genius of Condé, was adding province to province by conquest. The young soldier witnessed the sieges of Bar-le-Duc, in the Duchy of Lorraine, and of several towns in Franche Comté, as yet not annexed to the Bourbon monarchy; but after having attained the rank of captain by a rapid promotion, his regiment was on a sudden disbanded, and he was compelled to leave the service. One or two of the circumstances he has referred to in his brief notices of these campaigns illustrate the consideration and respect which as yet the Huguenot gentleman enjoyed while serving in his sovereign's armies. He informs us, not as an extraordinary thing, but as a merely accidental arrangement, that both the colonels of his brigade 'were noble neighbours 'of the religion;' and he himself looked forward hopefully to a high rank in his country's service. Thus, the law which made all Frenchmen eligible, irrespective of creed, to state distinctions, was at this period no mere dead letter; and, indeed, in armies in which Turenne and Chatillon, both till manhood Huguenots, now held the truncheons of Marshals of France, there must have been little sectarian exclusion. It can only add to our indignation at the execrable folly which deprived France of the valour and energy of her Huguenot sons that Louis XIV., at the beginning of his reign, had a full opportunity to appreciate their inestimable and devoted services.

While M. de Bostaquet was growing up, and during the years of his early manhood, a great Puritan movement in England had overthrown the monarchy of the Stuarts, and a Puritan chief of commanding genius had grasped the sceptre of the Edwards and Henrys and become the head of the Protestants of Europe. It might well be supposed that a Norman Huguenot, divided from England by the Channel only, whose faith resembled that of the Puritans, and who, according to the general opinion, was a republican and an enemy of kings, would have felt some sympathy with such a revolution. It is remarkable, however, that these memoirs do not even once refer to the events which had made England a Protestant Commonwealth and had caused the Catholic monarchs of Europe to stand in awe of the name of Cromwell. Such a silence may be ascribed in part to the insular character of all our politics, and to the absence, in the seventeenth century, of that rapid and constant exchange of thought, which now throughout the nations of Europe unites cognate and sympathising parties. We suspect, however, that

it was caused far more by the little regard which a French noble, as yet happy under the rule of his kings, would, even though in faith a Huguenot, entertain for any democratic outbreak, and by the absence of sectarian zeal which, owing to a judicious policy, distinguished the Huguenots at this period. When times changed, and France became 'no country for his 'people to dwell in,' M. de Bostaquet, notwithstanding his noblesse, could be loud in praise of Protestant Holland and 'of 'its free republican laws;' and though a seigneur of Louis XIV., he enlarged on the magnanimity and genius of William of Orange, 'the Church's Deliverer.'

Having left the army in 1656, M. de Bostaquet married a few months afterwards, and, during the thirty years that followed, led the life of a French provincial noble at the family manor-house. His autobiography throughout this period abounds naturally in local details that are now of little general interest. We must leave it to our readers to imagine how he added a riding-school to his stables and was very proud of a particular charger; how strictly he preserved his partridges and crossed his spaniels with the best breeds; how jealous he was if any 'fermier' infringed his rights of the mill and dovecote; with what punctiliousness at county meetings he observed his own and his neighbours' precedence; how he bought up, at a ruinous cost, the seigneurial claims on one of his farms, 'as he did not 'wish to be any one's vassal;' how he repaired his fishponds, improved his orchards, and laid out field after field in gardens; and how he sank a fortune in purchasing a château that had belonged to his ancestors. We can also only refer to the care with which, like a second Saint-Simon, he noted down the family distinctions of his many relations, friends, and acquaintances,—how an uncle of the Seigneur de Courcelles had won his spurs on the day of St. Quentin; how the great-grandmother of the Comtesse de Viboeuf had been admired by Francis I.; how the pedigree of the Baron de Butol had been crossed by the bar-sinister,—as if an account of his neighbours' genealogies was a valuable legacy for his children, 'for whose sake he 'composed his diary.' As for the daily tenor of his life in these years, it does not require particular notice. Though his rank was high and his fortune easy, and though he stood well with many friends, he was not, on the whole, a happy man, for his was rather a cross-grained temper, especially as he advanced in years, and there was a touch of the frondeur in his character. Besides, he encountered more than the average of the sorrows that are our common lot, for he lost two affectionate wives, his family mansion was destroyed by fire, and he was involved

apparently in as many lawsuits as the Widow Blackacre of litigious memory.

Some touches, however, in this part of this volume are interesting, as conveying a notion of the *vie de province* of a Huguenot seigneur about the middle of the seventeenth century. In its social aspect that life was brilliant, very different from that of the English Puritan, or even of the knight or esquire brought up in the lap of the Church of England. At this period the provinces of France contained a numerous resident noblesse whose youth had been passed in courts and camps, and who, when settled in their ancestral manors, retained much of their early culture. Among them the Huguenot gentilhomme moved as an equal in all respects, his distinctive tenets being evidently no drawback from his social position; and, though his children seldom intermarried with those of his Roman Catholic neighbours, he was in no other particular different from the gay, frank, and hospitable aristocracy among whom he spent his existence. M. de Bostaquet's pages are full of details about this joyous and polished life;—how often, in company with old brother-soldiers, he dined with the King's lieutenant at Rouen and discussed the last campaign of Turenne or heard the last gossip about La Vallière; how the province was full of young noblesse who delighted in paying visits to each other 'in 'gilt coaches with four outriders and a couple of musketeers 'behind;' how the apple-harvests were regularly closed by a succession of merry entertainments, and open house was kept in turn in the châteaux around at every Christmas; and how the noble damsel who had given the *coup de grâce* to the stag in the morning was the queen of the evening masque or carousal. It is evident, too, from his description of his mansion, with its arras and paintings, of his pleasure-grounds all terraces and flowers, of his plate and costly household appointments, that his mode of living and that of his neighbours had reached a stage of considerable refinement. The case assuredly was very different with the English gentleman of the same generation, who, though probably in solid acquirements, and certainly in country business and politics, superior to his French contemporary, was far behind him in all that relates to the arts and graces of polished society.

This volume, however, shows that already, so far as regards political influence, the position of the French seigneurie was one of weakness and isolation. Already the order was becoming by degrees a mere caste with high-sounding privileges, but without real power in the state, and separated alike from the crown and the people. With the feudal right of haute justice

annexed by tenure to his estate, M. de Bostaquet had not even the jurisdiction possessed by an English county magistrate; not one of his titled country neighbours could aid in the administration of the law; and all the litigation of the province was settled by the Rouen Parliament and the lesser tribunals dependent upon it. So too, though an experienced soldier, M. de Bostaquet, when once he had left the service, had nothing to do with the recruiting or management of the provincial quarters for the Royal armies; and though, like all the noblesse of his rank, he was treated with courtesy and respect by the lieutenants and governors of the King, he could not obtain promotion for a private, or secure for a younger son a commission. Already, in common with his order, deprived of the substance of local power by intrusive intendants and subdelegates, who, representing the central government, administered the affairs of the province, he seems like others, under the influence of the all-absorbing and controlling monarchy, to have forgotten that his ancestors once had been members of a stubborn and compact aristocracy that had awed the Crown, and ruled over the country. And while the French noblesse in this way were being eclipsed by the Royal authority, this volume proves how the broad distinctions between them and the classes beneath were leading to a widening estrangement. M. de Bostaquet, indeed, as a resident landlord, was popular with his vassals and farmers; but he alludes to them in several places as beings of quite a different caste; and though he had not the empty insolence of an *anobli* of the eighteenth century, he had all a patrician's contempt for a bourgeois. We need not say how different from this was the position of the English squire, who, as a justice, a grand juror, or a sheriff, an officer in the county militia, and in some instances a member of Parliament, had a large share of political power, both locally and in the general government; and who, often a new man, or at least one of an untitled aristocracy constantly fed from the people, was not divided from the classes below him by a difficult or repelling barrier. It is interesting that this volume supplies new testimony to M. de Tocqueville's parallel between the aristocracies of France and England.

When M. de Bostaquet settled in the country, and for several years afterwards, a Huguenot seigneur had no reason to suppose that his faith would be proscribed or persecuted. It is true that already Louis XIV. had shown a dislike to the Calvinist doctrines, and that not a few of the Huguenot noblesse had become Catholics to win his favour; and already signs of an evil time had appeared in a series of edicts directed

against the Protestants of Languedoc, and in the sinister zeal and intolerance of a young generation of French prelates. But a fundamental law of the monarchy had secured the Huguenots freedom of worship, and had made them eligible to all places in the state, and this law had been repeatedly confirmed by the most solemn ratifications. The work of Henry IV. and Richelieu had been seconded by a succession of governments which were really liberal to the sect, and by the sympathies of the majority of the nation; the Huguenots' loyalty during the Fronde, and their valuable services abroad and at home, had attested the wisdom of this policy. These might appear sufficient guarantees for their safety under the French monarchy; and besides, the eminence of many of their faith, and their growing importance as an industrious class whose proficiency in commerce and agriculture had added to the opulence of France, might well seem an additional security. Indeed, that any French sovereign, however faithless or intoxicated with power, would molest and injure such a body of subjects, might have been pronounced incredible beforehand. For at this period the Huguenots of France were no inconsiderable part of the population; and among them were a number of citizens illustrious in every career of life, and a large middle and lower class distinguished in every department of industry. The Huguenot Turenne and the Huguenot Duquesne were the first soldier and sailor of France; and other names only less celebrated were to be found among the Huguenot officers who filled the armies and fleets of the monarchy. Basnage, the foremost jurist of his day, Serrault and Claude in pulpit eloquence only second to Bossuet and Bourdaloue, and Cornart, the real founder of the Academy, were among the Huguenots then living; and we may learn from Colbert's despatches how the silks of Lyons, the paper of Auvergne, and the stuffs and cloths of Reims and Coutances were chiefly the work of Huguenot hands, and how, owing to Huguenot skill, a 'little Canaan' was spreading at Nismes; how the slopes of Béarn were rich with corn, and the valleys of Languedoc flowing with wine, and how many 'a garden of Providence,' remarkable for its exquisite culture, attested in almost every province the energy and toil of the men of religion.

Yet what might have been thought impossible, intolerance was not slow to accomplish. Within twenty years after ascending the throne Louis XIV. had practically annulled the noble laws which had assured the sect eligibility to the offices of the state, had reduced it to complete inferiority, and had interfered with its freedom of worship by a number of acts of unjust oppression.

All badges of distinction were withheld from Huguenot officers in either service; and they soon found that their heretical faith was an impassable barrier to their promotion. From the Controller-general to the lowest taxgatherer, the vast civil administration of the kingdom was weeded of the detested Reformers; and they were jealously excluded from the favoured corporations which had the monopoly of French commerce. In a letter extant in the French archives, the King declares that he will not allow a heretic gardener to be seen at Versailles; and we may imagine how the evil example was followed by the Catholic portion of his subjects. Soon afterwards an edict shut out the sect from every liberal profession, and even from many trades and occupations, and with a cruel and vindictive retrospect applied to those in actual employments. Direct persecution followed next: the separate chambers established to secure the rights guaranteed by the Edict of Nantes were suppressed in every parliament of France; under the pretext of guarding against heresy, the Huguenots even in their daily business were subjected to a prying inquisition of Catholic ecclesiastics and prelates; and the peace of their homes and their parental rights were violated by detestable ordinances which tempted their children to an interested conversion. Then came restrictions on their religion; their ministers were reduced from their rank; their churches were stripped of their decorations; their parochial organisation was broken up; and many of their places of worship were demolished on the most frivolous and scandalous pretences.

By means like these the Huguenots became an isolated and proscribed caste, exposed particularly to the disfavour of the Government. They were not obnoxious to the mass of the nation; but an absolute sovereign had declared against them, and his will had placed them in a state of degradation. A great number of the Huguenot noblesse, unable to bear exclusion from the state, or indifferent to their peculiar tenets, became converts to the Catholic doctrines; and though their example was not followed by the large majority of their sect, it stimulated the King to new efforts. Believing that only a little rigour was required to purge his kingdom of heresy, and led astray by sycophants and priests, in an evil hour for his own fame he gave the signal for a Catholic crusade to turn the Reformers to the true religion. Then commenced, in defiance of solemn pledges confirmed by three generations of kings, in disregard of the humane wisdom of the statesmen who had saved the monarchy, and notwithstanding the eminent services and valuable industry of the victims, a persecution which in some

particulars was the most atrocious and unrelenting of any of those that Europe has witnessed. Corruption went hand in hand with violence to break down the obstinacy of the Reformers. Large sums were lavished by hired agents in seducing Huguenot children from their parents and bribing the poorer Huguenots to repentance; and the name of 'convertisseur' became a proverb. When such means failed, a licentious soldiery was let loose on the Huguenot districts, with liberty, as was significantly said, to do everything but ravish and slay, that conversions might be extorted by terror. What atrocities were committed by these men—how they burned and dismantled the Reformers' dwellings—how they plundered them of enormous sums under threats of torture and mutilation—how they turned the fairest cantons of France into places of desolation and mourning—and how their crimes and misdeeds were justified as loyalty and zeal for the King's service, is described by Saint-Simon in passages that often rise to indignant eloquence. Meantime, on the slightest sign of resistance, the property of the Huguenot was confiscated; those who were even suspected of relapse were visited with severe punishments; and their churches were closed in such numbers, that, as it was said, the whisper of heresy was nearly silenced throughout the kingdom. While the royal author of this infamous work was listening to courtly Jesuits and prelates who extolled him as a greater St. Louis, every province in his kingdom had become the theatre of a Reign of Terror.

Persecution sharp and unsparing like this was followed by its natural consequences. A majority of the Huguenots, perhaps, went through the form of abjuring their faith; great numbers emigrated to foreign parts; a few of sterner and worthier nature showed something of the spirit of their ancestors that had more than once defied the monarchy. Now that heresy was in alliance with rebellion, the King resolved to complete his work; and against the wishes, as we believe, of the great majority of his subjects, he revoked suddenly the celebrated law which, passed at Nantes in 1598, was the Great Charter of the Huguenot liberties. In October, 1685, an edict went forth that throughout the kingdom the heretic temples should be destroyed, the heretic priesthood should quit France, and the heretic laity should conform under heavy penalties to the true religion. The sentence of intolerance was followed by an execution terrible and immediate. In every province churches and cemeteries, long the objects of veneration and respect, were levelled and their traces effaced; and in many places the remains of the dead were exposed to insult

and desecration. On every way to the frontier were seen sad groups of banished ministers, who mourned that the folds were all desolate, and that misery had fallen on the faithful shepherds. The armed missionaries were of course sent back to finish the pious work which they had commenced; and wherever their efforts proved abortive, imprisonment, stripes, and even torture, were put in practice in many instances. The galleys, the halter, and the Bastille were reserved for those who by flight attempted to disobey the paternal summons of the Most Christian King to abjure their errors.

It is needless to dwell on these revolting scenes of tyranny, rapine, and confiscation, which filled France with sorrow and mourning, and, as we believe, were deeply regretted by the best and wisest Frenchmen of the period. In that terrible crisis, human nature showed those extremes of weakness and heroism, of patient suffering and sublime endurance, which always mark an era of persecution. The more faint-hearted of the Reformers conformed to the established faith, to the delight of such men as Chancellor Le Tellier, but to the scandal of all right-minded Catholics. Not a few died from the effects of the ordeal, exposed to cruel sufferings and insults, or deprived of all their worldly substance, or sinking under the agony of terror. But the nobler spirits, although liable to a fearful punishment for the attempt, abandoned France by hundreds of thousands, as we well may suppose in numberless instances, with the connivance of the local authorities, of whom they had been the friends and neighbours. In this way eighty thousand families are computed to have gone into exile, with what ruinous consequences to France the reports attest on the state of the kingdom which were compiled after the Peace of Ryswick, and are to be found in the French state papers. These reports, which show that in the Huguenot districts agriculture and commerce were well-nigh extinct, and that the general opulence of France had declined in a very alarming degree, are a valuable commentary on Bossuet's remark that the vine would be more fruitful than ever when freed from its heretical parasites, or on Le Tellier's blasphemous boast that he now had beheld the day of salvation. Some of the exiles wandered to the Puritan commonwealth growing up along the shores of the Atlantic; some found a refuge in Prussia and Saxony; a great many settled in England under the dubious protection of the Stuart dynasty. But the majority perhaps directed their steps to the great Protestant commonwealth of Holland, which, under the rule of William of Orange, was rightly esteemed the

haven and bulwark of the rights and hopes of Protestant Europe.

The province of Normandy was one of the last to feel the effects of this visitation. Long before, the author of this volume had had a significant warning on the subject. As early as 1662, a Catholic patron had tried to shut up the Huguenot place of worship in the district on one of those false or technical pleas that were ever forthcoming for such a purpose. The cause being removed to the Parliament of Paris, M. de Bostaquet went there to watch its progress, as the representative of the provincial synod. One of the judges informed him on this occasion that the King was resolved to put down heresy, that a St. Bartholomew was not to be feared, but that toleration was not to be expected. Though the cause was lost, no great inconvenience was felt by the congregation for a time, for M. de Bostaquet erected a church on his own estate for the Huguenot services in virtue of the provisions of the edict which annexed this right to noble tenures. Here for several years the flock he had collected were allowed to worship God as they pleased, though often the tale of their brethren's suffering fell on their ears with an ominous echo.

At length in 1687 the tempest burst on this part of the province. M. de Bostaquet describes in a simple style its effects upon his immediate neighbourhood. Two regiments of cuirassiers and dragoons were marched into the Pays de Caux and took military possession of the district. The avenues of escape were closed by a cordon of armed vedettes and spies, and a summons was sent to the Huguenot congregations to obey the King and renounce heresy. The commandants and the intendant of Normandy were present to receive the recantations at the headquarters of Rouen and Arques, that 'looked 'as if they had been given up to pillage.' At a court 'surrounded by insolent soldiers,' those who had abjured were handed over to the archbishop and his clerical deputies, 'to be 'made acquainted with the true faith,' being watched jealously during that reforming process. Any recusants were apprised significantly that until a conversion had been effected, a troop would be quartered on their dwellings, and that even more rigorous measures were probable. What this meant was sufficiently plain from the sights and sounds in the neighbouring streets, 'where the armed cuirassiers treated everyone as if the 'place had been taken by assault,' and indeed had been made already intelligible to nine-tenths of the Huguenots of the kingdom.

M. de Bostaquet then relates scenes that probably were of common occurrence in many parts of France at this juncture.

The feudal lieutenant of the province, connected with it by many ties, the archbishop of the diocese and his clergy, who had lived peaceably with the heretics however they may have denounced the heresy, recoiled with disgust from the lawless violence with which friends and neighbours were treated. Afraid, however, to displease the King, and indeed unable to do anything, they contented themselves with mild remonstrance and with counsels to quiet submission. The commissioners, however, steeled to their work, and unaffected by local sympathies, went on their way with relentless zeal, and the issue must have appeared triumphant. The vast majority of the Huguenots of the district were not able to resist the test, and 'with downcast looks and stricken consciences' went through the ceremony of recantation. The King, doubtless, was greatly edified when he received the news that the Pays de Caux 'had 'been converted in ten days;' and perhaps some pious chaplain at Versailles dwelt on the notable and miraculous achievement. Yet had Louis—for he was not cruel—beheld how the change was effected, he probably would have been less joyful; and could he have penetrated the depths of the future, and seen the swords of many of the converts in the van of the conquerors of Blenheim and Ramilies, he might possibly have remembered the curse which fell on those who, to make proselytes, set justice and righteousness at defiance.

M. de Bostaquet was one of the weaker brethren who could not endure the fiery trial. He tells his tale with a manly frankness which even now commands our sympathy. At the first approach of the dragonnade his intention had been to take refuge in Holland, where, as we have seen, he had relations, and he advised his friends to follow his example. But he could not bear to abandon his family 'to demons reckless of age and 'sex;' and while he was hesitating what step to take, he received the summons of the commission at Rouen. As his rank made him a man of mark, and it was calculated that the neighbouring Huguenots would be much influenced by his conversion, he was given little time for reflection. He was told peremptorily 'either to recant, or to expect thirty dragoons at 'Bostaquet.' Several valued friends implored him to submit; and the image of a desecrated home, of a pregnant wife torn from his arms, of his youthful daughters flung out to shame, rose vividly before his harassed spirit. Though an altered man from what he had been—for age, study, and perhaps the strength which the prospect of trial gives to faith, had made him zealous in his religion—he yielded after a brief struggle, and 'passed through the hands of the confessor,' together with

the entire of his family. The value of such a gain to the Church may be estimated from his own language:—'We were 'all accomplices in guilt, and had no longer that peace of mind 'which had been our comfort and happiness. God had for-'saken us, and the crime we had committed oppressed our 'conscience.'

It was not probable that, with these sentiments, M. de Bostaquet and his family would become reconciled to the Catholic doctrines. Indeed, the archbishop, with creditable delicacy, allowed them 'not to attend mass until convinced of its saving 'efficacy.' This was not likely to be the case with persons whose faith had been quickened by the sense of wrong, by pride, and shame, and who were never so intensely Huguenots as when they had renounced their religion. Many of their neighbours, in the same mood, stung to the quick by remorse and grief, on the disappearance of the royal converters, had crossed the frontier and escaped to Holland. The ladies of M. de Bostaquet's family—being the first to answer the call of conscience, as has often been the case with their sex—resolved also to leave France; and, with the exception of Madame de Bostaquet, they insisted on setting out alone, a terrible punishment being threatened against any male convert who on any pretence attempted evasion. In company with a crowd of emigrants, many of noble birth and large possessions, they quitted their home, and made for a haven at a little distance only from Bostaquet, where they hoped to find a ship for England. M. de Bostaquet accompanied them to the coast, and describes the scene with graphic simplicity. The moon was bright in the autumn sky when the procession, mostly women and children, with whatever household stuff and apparel they could huddle together for a hasty flight, stole silently along the open plains that led to the chalk cliffs of the Channel. Though separated from all that was dear in life, and ignorant what their fate might be, they cast no lingering looks behind, but comforted each other with the consoling thought that they were leaving the city of destruction, and that Heaven would receive their late repentance. In delicate natures which, in quiet times, might have been lukewarm in their faith, persecution had awakened that spirit of calm, stern, and deep devotion, which counted even the most precious things—home, country, family, fortune, king—but as dust in the balance compared with Christ's holy religion.

The pilgrims were three hundred in number, and it is hardly possible to doubt that their flight had been winked at by the local authorities. The character of the time in France is well

illustrated by what followed afterwards. A band of marauders attacked the emigrants just as they had reached the sea-shore, pretending to be the royal guard which had been stationed along the coast in order to stop any Huguenot's passage. A scuffle ensued, and shots being exchanged between the assailants and the few men of the exiles' party who bore arms, M. de Bostaquet was severely wounded. Although themselves in considerable peril, the terrified women besought him to fly, for he had exposed himself to a fearful penalty, and his wound was likely to cause detection. He hurried off, and having bade a hasty farewell to his wife and home—he never expected to see either again—he took horse and made over the frontier, having received, to their honour be it said, kind treatment and help upon his way from many a hospitable Catholic family. He reached the Hague without accident; and when there news came gradually to him that might well have shaken the fervent loyalty which even yet many a Huguenot noble entertained for their ungrateful Sovereign.

The King, incensed that so many persons of high rank and ancient lineage had attempted to effect their escape from France, had resolved to make a notable example. The mother, sisters, and daughters of M. de Bostaquet, a few days after their night adventure, had been arrested, and after a trial in which it is plain that the local tribunal had leaned favourably towards the accused, they were condemned by the command of Louis to imprisonment in a convent for life, and to a degrading personal stigma. Meanwhile their lands had been summarily confiscated; and Madame de Bostaquet although pregnant, was expelled from her house by a file of archers. As for M. de Bostaquet, having been outlawed he was sentenced to the galleys for life, and degraded from his titles of nobility as a convict felon and a relapsed Huguenot. The intendant of the province ventured a faint remonstrance against the sentence; but Louis was inexorable at first, though afterwards he allowed the ladies of the family to follow their head into exile.

In the simple narrative we have followed we see the character and moral of this persecution. It shows what toleration had effected when Louis XIV. ascended the throne, that the Huguenots were not only loyal, and in all respects contented with their lot, but that their faith was rapidly losing its sterner and least attractive features. It shows, moreover, that the great mass of the Catholics of France had lost the feeling of animosity towards their Calvinist brethren, and mixed with them in the business of life on a footing of friendly social equality. Had the King pursued the noble policy of his

grandfather and his father's ministers, it is certain that in the nation and the sect he would have found equally devoted subjects, and probable that in a short time the Catholics and Huguenots, thoroughly amalgamated, would have found out that their rival creeds descended from a common origin, and that one of the highest duties of Christianity was to live in charity one with another. Even had this growing concord produced the seeming indifference to religion which marks the collapse of sectarian rancour, nay, had it ended in the triumph of latitudinarian principles in France, there would have been little cause of regret, especially if we turn our eyes to the events which in the great revolution of the following century overthrew the majestic unity of Catholicism persecuting and triumphant. It is needless to speculate or conjecture what might have been the results in history had Louis XIV. respected the rule of religious freedom to which he was pledged, and done justice to his Huguenot subjects. In a hundred passages this volume shows that he and his government are alone responsible for trampling these sanctions under foot, and, in defiance of public law, commencing a ruthless persecution the severities of which in a number of instances the Catholics did their best to mitigate. And as for the result, it was not only that France was deprived of many thousands of her most distinguished and useful citizens, and that Huguenot exiles were to be found continually in the ranks of her enemies, but that persecution defeated itself, and instead of destroying, really quickened the essential forces of French Protestantism. In this, as in many other cases, the blood of the martyr has been the seed of the Church; and that now, in France transformed by revolution, many congregations of pious men adhere steadfastly to the austerities of Calvin, in the midst of infidelity and Catholicism, must in part be ascribed to the fervent zeal—transmitted through a succession of generations—which the dragonnades and kindred cruelties re-awakened in their Huguenot fathers. In the interval which has since elapsed, the Church which sanctioned the crime has fallen with a stupendous crash, and every descendant of Louis XIV. is at the present time an exile in the land of the stranger.

At the commencement of 1688, M. de Bostaquet and the ladies of his family—the number, however, diminished by death—had found a quiet retreat at the Hague. Here, 'in the presence of all the ministers and ancients of the Reformed 'Church, they abjured their vows to a false religion, and in 'a country of religious freedom enjoyed peace and repose of

'conscience.' Like all the principal towns of the states, the Hague swarmed with Huguenot exiles, and in their company M. de Bostaquet 'endeavoured to lead a life of godliness and to 'becomed attached to his adopted country.' He was received by William with cordial kindness like many others of the French exiles whose worth that Prince had reason to know; and he had little difficulty in obtaining a commission as captain in the cavalry of the Republic. 'So, our souls filled with thanks-'giving to God'—misfortune and persecution had changed the light indifference of the gay seigneur—'we spent our days in 'acknowledging his goodness,' 'and waited quietly the turn of 'affairs, being ready to offer up my life with gladness in the 'service of the states and of a Prince to whom I owed every-'thing.' In this, and in thousands of similar instances, the loyalty which had been given to Louis was justly transferred to his enemy.

But the time had come when M. de Bostaquet was to prove the fidelity of his new allegiance. In the summer of 1688 the people of England had definitively condemned the lawless tyranny of James II., and signs appeared that the dark conspiracy of the heads of the Houses of Bourbon and Stuart to establish Popery and arbitrary power would be opposed manfully in this island. The opportunity was not lost on the far-sighted and resolute Prince to whom every enemy of France and the friends of Protestantism in all lands looked up as a champion and deliverer; and while James and Louis proceeded by different ways to defeat their cause, William planned that great and memorable enterprise which placed him upon the throne of England, and suddenly changed the fortunes of Europe. How, notwithstanding opposition at home and timidity and disunion abroad, his genius triumphed over all obstacles, with what skill and wisdom he combined a coalition against his foes, and how he directed and turned to account the elements of revolution in England, has been told but lately to this generation by an historian worthy of the august subject. During the spring and summer of 1688 he made his preparations for the descent, and by October all was in readiness. He had made good use of the gallant refugees whom his enemy's folly had driven from France, and who flocked joyfully to his standards. The Huguenot contingent was the pride and flower of the army, composed of several nations, which was marshalled for the great adventure; for many of the exiles were veterans trained under the foremost generals of the time; and the mass was animated by the strongest motives that can urge men to deeds of valour—the sense of wrong, the hope of revenge, a

well-tried faith, a common suffering. If in any the lingering sense of loyalty occasionally caused some passing misgivings, and if some afterwards forgot their duty, the general feeling was one of enthusiasm; and the Huguenots under William of Orange were for the most part what the soldiers of the Cross had been under Richard and Godfrey. They were enrolled afterwards into four regiments, one of horse, and three of foot soldiers, and placed under the command of colonels already known in the French service. Not less than 700 Huguenot officers were distributed among the army of William, fifty-four having been allotted to the guards in constant attendance upon his person.

M. de Bostaquet held the rank of captain in one of the regiments of William's cavalry. From this period his autobiography embraces many of the principal events of the three memorable years that followed; and though of course it only records the experience of a subaltern officer, it contains many interesting particulars. His notion of William's general character reflects what probably was the judgment of his brothers in arms in the expedition. Like others who had witnessed the skill of the great commanders of Louis XIV., his estimate of the abilities of the Prince as a mere general was not a high one. He evidently thought that several captains surpassed him in the conduct of a campaign, in rapid and bold manœuvres, and in handling troops on the field of battle. He did not approve of the manner in which the expeditionary army was embarked, the victory of the Boyne followed up, or the first siege of Limerick abandoned; and he hints that Condé, Turenne, or Catinat would have acted differently on these occasions. Yet William was the hero of the age even in the eyes of the plain captain who could only see a small part of the mere surface of passing events, and had no means of appreciating the genius of his leader where it was most conspicuous. He was the chief whom Providence had raised up to baffle His foes and to liberate Europe. His was the wisdom that discomfited his enemies and brought their leagues and counsels to nought; and his was the indomitable energy and will that never turned aside from its purpose. If other commanders were more brilliant, none showed such heroic firmness and tenacity, or so often turned defeat into victory. If other sovereigns were more magnificent, none possessed such moral influence and power or inspired his subjects with such confidence. It is not surprising that the great man who earned and deserved this reputation should have been successful in most of his undertakings.

M. de Bostaquet's narrative of the expedition contains several

details of interest. On account, probably, of the haste and secresy with which the preparations were made, the transport service was ill arranged, and men and horses were crowded into vessels that were neither sufficiently large nor numerous. But all was forgotten in the general enthusiasm; and though M. de Bostaquet had much difficulty in getting a passage for himself and his chargers, and he was hurt severely in going on board, he declares that he felt 'supremely happy when with 'beat of drum and clang of trumpet the fleet stood out for the 'coasts of England.' The storm which forced it to put back appears to have done somewhat more mischief than Lord Macaulay has represented; especially 'seven or eight hundred horses that 'had been tethered with their heads to the bulwarks were 'drowned, suffocated, or totally disabled.' But 'even in this 'vexatious plight we wondered at the constancy of our hero; 'his look was untroubled and serene as usual; and within a 'few days by his intrepidity and energy the fleet had repaired 'its damages.' As is well known, the second attempt was followed by complete success; and M. de Bostaquet describes with spirit how 'France trembled and England exulted as, the fog 'lifting from the morning sea, the fleet swept on between 'Dover and Boulogne;' how 'he saw his ungrateful country 'with emotion, yet felt that the time had not yet come when 'our hero could liberate it from its oppression;' and how some 'of the exiles from Poitou believed that we were bound for 'their coasts,' and rejoiced at the prospect of a landing.

We transcribe M. de Bostaquet's account of the arrival of the fleet at Torbay, merely adding that he confirms the opinion that the disembarkation of William's army was effected with great skill and promptitude. The critic may smile at the bombast of enthusiasm, but it is not the less significant and interesting:—

'We distinctly saw many people gathering upon the hills to watch our coming and enjoy the spectacle. They did not appear alarmed in the least when the men of war and the entire army made their way into a bay in the vicinity. The place was called Torbay, and here we landed. It seemed as if nature had made it for our reception. The bay like a crescent runs in a long distance; where we cast anchor it was overlooked by cliffs of great height and with rocky points; and it is spacious enough to hold a number of vessels. Our fleet did not nearly fill it; the anchorage was good, and the surrounding heights enabled our ships to ride in safety. It was here, as I said, that our Great Prince and the whole of our army disembarked. Heaven, which had conducted him in to the spot in triumph, appeared resolved to continue its favour. The sea was calm; the bay like a lake; and the setting sun shone with such

lustre, that he seemed to leave our hero with regret. Yet at last he sank, for he wished to inform another world of our great adventure. The moon, however, took his place, and shone brightly to illuminate our landing.'

M. de Bostaquet having accompanied the army in its bloodless and glorious march through the south, 'beheld the Convention 'proclaim their Highnesses King and Queen of England with 'the usual ceremonies.' We may leave our readers to learn from him how badly tilled and bleak of aspect were the Devonshire valleys at this period, and how execrable were the roads of Somersetshire; and to imagine how 'little edified he was at 'the huge wax candles, the font and altar-plate, the surpliced 'canons and the choir of boys, so different from our reformed 'simplicity,' which were then the pride of the cathedral of Exeter. He notices particularly that at every place the army were welcomed as deliverers; and he adds that the discipline enforced by William contributed to the success of the enterprise. The following is an interesting testimony to the conduct of Mary at this juncture, and to her reputation among the exiles:—

'This great princess had remained at the Hague; and while her husband was exposed to danger she spent her time in prayer and fasting and offering up vows to Heaven for his safety. Her example was followed by the ladies at the Hague, many of whom assisted her in her devotions. The charity of this illustrious princess was extended to all who had need of it, and her piety and benevolence were truly admirable. Though sincerely rejoicing at the success of her husband, the people of the Hague beheld with regret the time draw near when their benefactress would be obliged to leave them perhaps for ever. On the other hand, the people of London were eager to see the princess to whom the crown of England rightfully belonged, and to whom it had been offered with acclamation, so she could not refuse to give them this pleasure. As she left the Hague tears were shed by the citizens who flocked in crowds to bid her farewell, and saw her depart with deep affliction. At the last time she appeared at church she gave public tokens of her gratitude; and she was heard to say that she sincerely hoped the people of England, and of London especially, would love her as those of the Hague had done.'

During the months that followed the Revolution M. de Bostaquet lived in a house near Greenwich, where, like many others of the Huguenot exiles, he often received the hospitality of Ruvigny, highly honoured in his voluntary banishment. Having brought over his family from Holland in the summer of 1689, he went with the Huguenot contingent to Ireland, where James, supported by too faithful a people, still upheld

the flag of the Stuart monarchy. After a journey very different from that of a British regiment at this day, M. de Bostaquet's corps arrived at Chester and from thence crossed to a place near Belfast which Schomberg had made his headquarters. From Belfast he marched with the army to Dundalk, through wasted deserts and dreary morasses which made a deep impression on an imagination accustomed to the cultivated plains and sunny slopes of the Norman landscape. M. de Bostaquet describes with graphic disgust how his horsemen traversed towns and villages that had been destroyed by the 'raperies,' or bivouacked in cold and swampy solitudes exposed to continual rains and tempests. It is characteristic of the veteran soldier that he sneers at the 'inesquiliens'—the stern and devoted men of Newtown-Butler—who had joined themselves to Schomberg's forces.

A general battle seemed now at hand, for the rival armies were near each other; but Schomberg entrenched himself at Dundalk while Rosen hovered about in the neighbourhood. Within a few weeks disease and famine had destroyed thousands of William's troops, and a mutiny of an alarming kind had broken out in the Huguenot contingent. Lord Macaulay's narrative of these events owes several touches to M. de Bostaquet; but, as the historian has remarked, the chronicler has significantly omitted all mention of the misconduct of his countrymen. In November Schomberg retreated northwards, while the Celtic army also broke up and scattered itself all over the country. M. de Bostaquet thus sums up this campaign, the results of which were very disastrous:—

'I have now described the most remarkable events of this short and unfortunate campaign in which I took part. We lost more men in it than if we had had a battle. From the moment we set foot in Ireland we were assailed by the wind and rain. The island seldom suffers from severe cold, but it is continually exposed to storms and wet. Our camp was on the edge of a morass, on one side overlooked by humid mountains that threw up a smoke of mist like that of a furnace. The want of food and the bad weather caused frightful diseases, and the English soldiers died by thousands. Nor did our officers and men escape: a great many fell victims to the climate.'

The tide, however, was soon to turn, and the fate of Great Britain, and with it of Europe, to be decided on that memorable day which even now is remembered in Ireland with keen emotions of pride or humiliation. William landed at the quay of Carrickfergus on the 14th June, 1690, at the head of a large and well-appointed army. M. de Bostaquet, who saw him a day or two after, describes his countenance 'as lit up with

'delight,' as he welcomed the Huguenot officers at his levée. James fell back as his enemy approached until he reached the stream of the Boyne, where he fought his last and least honourable battle, and soon afterwards abandoned Ireland. M. de Bostaquet's account, although long, is merely that of a subaltern officer, who knows little of the operations as a whole, yet it is not without some details of interest. He points out justly that the flank attack on the left of James had considerable results, and he says truly that the advance of William on his own left decided the conflict. Like a true 'regular,' he detracts a good deal from the heroism of the 'plundering inesquiliens' alongside of whom his regiment was posted; yet he admits that they did their duty like soldiers. It is characteristic of the opinion of that time that he does not allow that the Irish cavalry, who fought on that day with desperate valour, displayed any soldier-like qualities, and he ascribes their conduct to 'mere drunken-'ness, every man having been drenched with whisky.' Yet from the following brief account of an encounter between these very men and the trained and gallant Huguenot cavalry, we can see what stuff they were really made of:—

'We closed with the enemy and broke their ranks; but Belcastel, our commandant, being wounded, M. Varenques overthrown, and the wind and dust blowing hard in our faces, our regiment was driven back in disorder. Men and horses were rolled over in confusion; when I recrossed the ditch I saw all were in flight.'

We seem to be reading a French account of one of the cavalry melées at Waterloo, in which the heroism of our dragoons has more than once been ascribed to brandy.

M. de Bostaquet describes the death of Schomberg in a manner different from other historians; but as he was not in that part of the field, we are not disposed to admit his accuracy.

'At first the Duke would neither draw his sword nor quit the spot. As, however, the enemies thickened around, an aide-de-camp who happened to be riding before him directed him to turn to the right. Unfortunately, however, he took to the left, whereupon five or six of the enemy's horsemen having passed through the ranks of the infantry fell upon him, and seeing his blue ribbon, gave him several heavy blows with their sabres. It is thought that these wounds were not mortal; but as the horsemen were fired at in their retreat a musket-ball struck the Duke in the neck. So this great man died at the age of eighty.'

M. de Bostaquet thinks that the victory of the Boyne was not followed up with sufficient energy. As it was, however, the rout was complete; within four days the streets of Dublin

were decked to welcome the conquering army, and William, wearing his rival's crown, had offered up thanksgiving at St. Patrick's. M. de Bostaquet during the next few weeks was engaged on detachment duty in Leinster, and visited several parts of the province. His sketches of the appearance of the country confirm Lord Macaulay's well-known descriptions. With the exception of a few fortified towns the province was almost everywhere a waste, scathed with the ruinous marks of war, and abandoned to desolation and barrenness. The Huguenot horsemen toiled over plains for the most part unbroken by the plough, without a tree to enliven the landscape, and at rare intervals dotted with hovels inhabited by half-naked savages. The rich, peopled, and cultured expanse between the waters of the Suir and Barrow was a tract of wild and half-flooded morass, overlooked by shaggy and rain-swept mountains which the weary traveller crossed with difficulty. The beautiful region, whose wooded hills, luxuriant glades, and garden-like fields, thick studded with noble seats and villages, delights the eye of the tourist in Wicklow, was a dreary labyrinth of unexplored highlands, the haunts of rude mountaineers and banditti.

M. de Bostaquet was soon recalled from this duty to the head-quarters of William at Limerick. Here, abandoned by their French auxiliaries, by their worthless king, and their foreign generals, the remains of the beaten Celtic army made a last stand for their hearths and altars. Their fortress was a half-ruined town, surrounded by dismantled ramparts, which had been thrown up three centuries before to resist the attacks of the Kerne of Clare, and might well provoke the scorn or ridicule of engineers of the school of Vauban. But, as Lord Macaulay has well pointed out, the walls of Limerick, like those of Londonderry, were defended by powers invisible yet strong, which the regular soldier may under-estimate—the love of country and the love of religion. More than once the best troops of England and France recoiled discomfited from the assault; and, after Sarsfield's successful diversion, the siege was raised, and for many months the heroic city remained untaken. M. de Bostaquet, who shared in the general belief that 'the mere Irish would never stand,' and does all he can to depreciate their valour, thus describes one of the episodes of the siege:—

'Two days afterwards a council of war was held at head-quarters, and it was resolved to attack the counterscarp by daylight. The hour named was three in the afternoon. Several officers did not approve this plan; nevertheless, detachments from the grenadier

regiments were told off for the storming parties. They were led by officers of the French contingent; the brave and experienced La Barbe commanded. The cavalry was held in readiness for an assault; and the King appeared at the appointed time, though, having approached too near the town, he had been nearly cut off by the enemy. At a given signal our men rushed forward and made good their entry into the ditch, the enemy abandoning it, and throwing away their arms. The ramparts having been crossed at the breach, the English grenadiers got into the town and drove the besieged from their first entrenchments; however, not receiving supports, for the King did not wish them to pass the counterscarp, they were attacked on a sudden and all cut to pieces. The enemies charged as our troops fell back, and killed and wounded fifteen hundred of them.'

M. de Bostaquet ascribes the failure at Limerick to the rashness of Bentinck and perhaps of William, but the true cause was the skill of Sarsfield, and the heroism of the Celtic garrison. As he did not serve in 1691, he did not witness the second siege, in which the unconquerable valour of the defenders extorted a capitulation from Ginkel, unhappily set at nought afterwards; nor did he behold the last scene of the war when 'the red eye 'of battle closed in despair' amidst the ruins and carnage of Aghrim. In the following year he went in the train of the younger Ruvigny on a tour of inspection, and visited the principal fortresses of Ireland. What he saw and heard, we might suppose, would perhaps have touched the heart of an exile expatriated for the sake of religion. The defenders of Catholic Ireland had disappeared, like him, proscribed for their faith at home; like him, too, to serve with distinction, and display the energy of vengeance and hatred under the strange flag of a new sovereign. The land was occupied by a rude soldiery who held down its terrified inhabitants, and levelled their altars with the dust; the priesthood of a persecuted race were placed under the ban of the law; the possessions of an ancient aristocracy were changing hands by violent confiscation. But the sympathy which in these happier times we give alike to the Huguenot of France and the Irish Catholic of the Boyne was not then felt for each other by men in whom passion had quenched the sense of pity; and M. de Bostaquet, when traversing Ireland, thinks only of the crowning mercy which had given his enemies into the hands of the spoiler, and had broken the idols of a false religion. Thirty years earlier, before persecution had made him a zealot and a refugee, he would have been animated by different sentiments.

The war in Ireland having now terminated, M. de Bostaquet sought and obtained leave to retire on a pension from Wil-

liam's service. He was in his sixtieth year and in delicate health; and Ruvigny had secured him a retreat where, although far from his native Normandy, he might hope to bring up his family in his faith and to end his chequered career in comfort. At the settlement of Ireland upon the Restoration a tract near the edge of Queen's County had received the modern name of Portarlington, from the well-known courtier to whom it was allotted. A few colonists collected on this spot during the interval between 1660 and the civil war which had just ended; and, in the confiscations which ensued, Portarlington was granted by William to Ruvigny. A Huguenot church and a Huguenot college soon arose upon a site then desolate and composed of wet and uncultivated moorland; and by degrees a number of the exiles, under the protection of their powerful patron, became settlers in this wild district. The little colony throve rapidly; and here, after a few years, M. de Bostaquet established himself with his family, and spent a calm and happy old age, in the company of brothers-in-arms and friends united strangely in a foreign land, and in educating his surviving daughters. He lived long enough to hear the echoes of that mighty struggle which tamed the pride and broke the strength of his ancient persecutor, and in which France had to mourn bitterly the loss of her banished Huguenot citizens. He died in 1709, and his name, recorded by his descendants, was until lately legible on a stone among the graves of Portarlington churchyard. Four generations have passed away since, and yet the little colony of Ruvigny retains numberless traces of its origin. Among the owners of the cultivated farms which now cover the adjacent district will be found Sabatiers, Le Blancs, and Legros, whose trim gardens and quaint dwellings still bear the mark of foreign husbandry. In the aspect of the inhabitants of the village—the active and springy step of the men and the lithe and graceful bearing of the women—a French descent is often evident; and the parish church, in which till late years the Calvinist service was read in French to the great-grandchildren of the first settlers, is a museum of Huguenot records and monuments. Under more than one roof for a century and a half possessed by Des Vaux's, Vignoles's, and Le Grands, will be found relics of the ancient exiles—notched swords that may have done service at the Boyne —old pistols and holsters of Limerick or Aghrim — quaint arras and faded yet valuable tapestry secreted hastily in the flight,—and, here and there, on some treasured picture, the dark eyes and luxuriant form of some fair girl of Provence or

Languedoc, whose beauty has been transmitted to her descendants.

M. de Bostaquet's sons, as we have seen already, were not allowed to leave France on the occasion of their father's exile, but the family was continued in Ireland through the daughters of the author of this volume, and survives in the present Dean of Ossory. The male line was only extinguished in its native country a few years ago, and its history has been traced by the editors with the care and diligence that mark their performance. The paternal estate, after it had been confiscated, reverted ultimately to a grandson of M. de Bostaquet, who, although a Huguenot, and, as such, very nearly an outlaw in his own country, appears to have acquired considerable possessions, and probably under the Orleans Regency enjoyed practically complete toleration. His son must have in part regained the former position of his name, for he was an officer of the Mousquetaires du Roi—a rank confined entirely to the noblesse—yet we see his degradation as a Huguenot in the circumstance that he was compelled to inter his family in the court at Bostaquet, even a heretic noble not being allowed a place of burial in consecrated ground. From him descended two sons, who were true to the cause of the Bourbon monarchy, although of the faith it had proscribed, and in the agony of the great Revolution were to be found among the warriors of La Vendée. One of them, after the Restoration of 1815, became the Marquis de Lamberville, and having filled several offices in the State, and, in a day of comparative toleration, having remained true to the creed of his fathers, died in 1847, just before revolution was to overwhelm a second dynasty of the House of Bourbon. With him ended the family in France; their lands have passed into other hands, and little remains to show what they were except the feudal dovecote at Bostaquet, the ancient blazon upon its walls, and the mouldering heaps in the narrow court, a monument of their faith and its treatment. Their descendant in Ireland has given us this record of perhaps their most remarkable ancestor, which, amongst numerous graphic details more or less valuable to the historian of the time, contains a moral not inaptly summed up in the verse of the Roman poet:—

'Tantum religio potuit suadere malorum.'

ART. VIII.—1. *Tuscan Sculptors, their Lives, Works, and Times.* By CHARLES C. PERKINS. 2 vols. London: 1864.

2. *Life of Michael Angelo by* HERMAN GRIMM. Translated, with the Author's Sanction, by FANNY ELIZABETH BUNNETT. 2 vols. London: 1865.

3. *Italian Sculpture of the Middle Ages and Period of the Revival of Art. A descriptive Catalogue of the Works forming the above Section of the South Kensington Museum, with additional illustrative Notices.* By J. C. ROBINSON, F.S.A. 1 vol. London: 1862.

THE period of Art in which we live is above all a literary one. The number of books produced both in this country and upon the Continent, during the last thirty years, upon nearly every branch of Art is extraordinary, while all the modern resources of engraving, lithography, photography, and electrotype, have been employed to instruct us by illustration in the various styles of past times. One very interesting subject, that of Christian sculpture, has, however, been strangely neglected. Notices of various works of Christian sculpture are to be found scattered about in descriptions of the churches or galleries which contain them, and lives of the Christian sculptors may be picked out of divers books where they are placed in company with those of other celebrities; but we know of no book which has hitherto treated the subject separately and fully. The study of sculpture has long been almost exclusively that of the antique; and although no one can for a moment deny the immense superiority of Greek sculpture to all that has been since produced, the position assigned to it as the only model for imitation has produced some unfortunate results. It has led sculptors to look upon anatomical display and beauty of form as the objects to be attained, and to consider meaning and sentiment as secondary or unimportant points in their art. Jupiters, Apollos, and Venuses were originally monuments of the religion of the ancients, and appealed to their feelings and understandings: they excite our admiration now only by their beauty of execution. It is not enough for Christian sculpture that it should attain merely this latter form of excellence. The Christian sculptor should speak to us through his art as the pagan spoke to his contemporaries. He has a nobler and purer faith to illustrate and teach, and if it affords less opportunity for displaying the beauty of nude forms, it makes ample amends for this deficiency by the oc-

casions it offers for exhibiting the highest emotions, and for telling a history which never loses its hold upon our feelings.

In some of the most important branches of the Christian Church, sculpture has never attained to so intimate a connexion with religion as the sister art of painting. It was proscribed by the iconoclasm of the Greek Church, and is still excluded from her temples; and the Protestant Churches of Germany and England have not entirely ceased to view with hostile suspicion the images to which an undue reverence was paid by the faith of Rome. But the Catholic faith of the middle ages was, on the contrary, eminently favourable to sculpture and made a lavish use of it. Accordingly, long before painting had acquired perfection, the persons and events of the Gospel narratives were rendered familiar to the people by innumerable sculptured images or reliefs, and the great cathedrals of the thirteenth century are adorned in every part with graven works which illustrate with every variety of detail their matchless architecture. In Tuscany, more especially, a school of religious sculpture arose at the very beginning of that age which has the strongest claim to our attention and interest.

The progress of this school, from its commencement to its decline, forms the subject of the important work the title of which stands first at the head of this article. Its author, Mr. Perkins, an American gentleman, has devoted much time and study to the task, and proposes to continue his researches into the history of sculpture in Northern, Southern, and Eastern Italy. His two volumes contain a clear account of the lives and works of all the Tuscan sculptors of importance from the Pisani to the scholars of Michael Angelo, and sufficient notices of many of the obscurer artists. The criticisms are singularly fair, showing an intimate knowledge of the subject and a just appreciation of the merits of different schools. An historical narrative binds together the biographical and artistic portions of the work, and enables the reader to judge of the effects which political events produced upon the arts. The style of the book is easy and agreeable, and, above all, perfectly free from those affectations and eccentricities which some writers on Art seem to consider necessary to their subject. The illustrations, which have been executed with great skill and elegance from the designs of the author, are remarkably beautiful, and make us regret that they are not more numerous. We cannot but lament, also, that in cases where Mr. Perkins has selected particular statues or bas-reliefs from a large work, he should not have

given a general sketch showing their position in the composition. Such illustrations would have been particularly useful to persons who have never seen the objects described, and who cannot sketch with their mind's eye while reading his account. We need only add, before proceeding to a detailed examination of these volumes, that with regard to indexes, tables of contents, chronological tables, and marginal references, they leave nothing to be desired by the student.

Mr. Perkins has resisted the temptation of beginning his history 'before the deluge,' or of tracing the connexion of Tuscan sculpture with that of Egypt, Assyria, and Greece; but he has given in his Introduction a sufficient idea of the darkness in which the sculptors were groping till the end of the twelfth century, to enable us to appreciate the brilliancy of the light shed by the appearance of the great Niccolà Pisano.

There were no doubt sculptors before Niccolà; but

'as all these mediæval artists who are called Taglia Pietre in contemporary documents and inscriptions, regarded sculpture as the humble handmaid of architecture, and made statuettes to crown the pinnacles or fill the niches of buildings, but never as separate entities, they may rather be classed as architectural stonecutters than as sculptors; and as such we shall pass them over for the sake of their more illustrious successors.' (P. lvi.)

Niccolà Pisano was born at Pisa, between the years 1205 and 1207. He was the son of a notary (not certainly a very artistic parentage), but his natural gifts were such that when scarce fifteen years old he had so far profited by his studies among the workshops of the Duomo as to be appointed architect to Frederic II., at Naples, a testimony to his talents which is all the stronger from the fact that this accomplished monarch is said to have been himself a practical architect. Unfortunately, we have now no means of judging of the merits of his earliest buildings, as they were completely remodelled in the sixteenth century.

After ten years spent at Naples, Niccolà went to Padua to design the Basilica of St. Antonio, a singular but grand and picturesque edifice, exhibiting a jumble of styles which Mr. Perkins excuses by giving various plausible reasons for Niccolà's eclecticism, but which Mr. Fergusson, not being a biographer, criticises without any reserve; 'A signal failure 'was,' he says, 'the result, for an uglier church can hardly be 'found anywhere.' *

* Handbook of Architecture, vol. ii. p. 769.

But it is as a sculptor that we have now to do with Niccolà, and we therefore turn with interest to his first known work, an alto-relievo of the 'Deposition,' over one of the side doors of the cathedral of St. Martino at Lucca. He has most carefully followed in it the traditional account of the taking down of our Lord's Body from the Cross, and has succeeded in so grouping the figures as to make a beautiful composition, thus at once excelling his predecessors, who always placed them in a row. For some years after the completion of his work at Lucca, Niccolà appears to have been chiefly employed as an architect in building churches and palaces and, we regret to add, as an instrument of party vengeance in destroying many fine edifices which had belonged to the Guelphs. It was not till the year 1260 that he began the pulpit * in the Baptistery at Pisa, which may be considered as the commencement of his second style, and the foundation of the Pisan school. That his second style was formed by the study of antique sculpture cannot be doubted, for not only does its general character distinctly show it, but two of his reliefs upon the pulpit are directly imitated from figures on ancient monuments in the Campo Santo.

His next important commission was the Arca di San Domenico at Bologna, a sarcophagus made to contain the bones of that saint, in the execution of which he was assisted by his pupil Fra Guglielmo Agnelli. The bas-reliefs on this monument are admirable examples of Niccolà's power of composition and illustration, and are the more remarkable because these subjects from the life of the saint had probably never before been represented.

It is never otherwise than interesting to know what remuneration great artists have received, and we are therefore fortunate in being able to ascertain, from the contract which he signed upon undertaking the pulpit in the Duomo at Siena, the rate at which he was paid for his labours. He agreed to live at Siena till its completion, with liberty to visit Pisa four times a year for a fortnight at a time, and to receive eight soldi a day (a sum equivalent to twelve Tuscan pauls of the present currency, or about five shillings of our money), besides his living. The Siena pulpit does not show that he had made any further advance in art since completing that at Pisa, for two of the subjects were almost exactly repeated; but it enabled him to exhibit his talent in conceiving and composing two vast and

* More properly speaking, a pergamo or double ambo, having two desks, one for reading the Gospel, one lower down for the Epistle.

difficult subjects, 'The Last Judgment' and 'The Massacre 'of the Innocents.'

'Although the Last Judgment is a subject which cannot be adequately treated in sculpture, and one which, from the vastness of its nature, naturally led Niccolà to overcrowd the small space at his disposition with a somewhat confused mass of figures, he showed great skill in its composition, and a power of conception which is all the more wonderful in one who, unlike Orcagna, Signorelli, and Michael Angelo, could not have fired his imagination with the vivid descriptions of Dante's "Inferno."' (Vol. i. p. 24.)

This pulpit was of immense importance to the Corporation of Stonecutters then existing at Siena, for its construction brought Niccolà amongst them, and his work left them a subject for study, which kept alive his influence and led to the formation of that school of sculpture of which we shall shortly have to speak.

Niccolà's last work was the beautiful fountain at Perugia, for which he carved twenty-four statuettes. Before it was finished he died at Pisa in 1274, after nearly seventy years peacefully spent in revolutionising Art in the middle of wars and political commotions. The summary of his career we will give in Mr. Perkins's own words:—

'Inestimable were the services rendered to Art by this great man. He gave the death-blow to Byzantinism and barbarism; established new architectural principles; founded a new school of sculpture in Italy, and opened men's eyes to the degraded state of Art by showing them where to study and how to study; so that Cimabue, *Guido* di Siena, the Massuccios and the Cosimati, all profited by his pervading and enduring influence. Never hurried by an ill-regulated imagination into extravagances, he was careful in selecting his objects of study and his methods of self-cultivation; an indefatigable worker, who spared neither time nor strength in obedience to the numerous calls made upon him from all parts of the peninsula; now in Pisa, then in Naples, Padua, Siena, Lucca, or Florence; here to design a church, there to model a bas-relief, erect a pulpit, a palace, or a tower; by turns architect and sculptor, great in both, laying deep and well the foundations of his edifices by hitherto unpractised methods, and sculpturing his bas-reliefs upon principles evolved from the study of antique models long unheeded. Ever respected and esteemed by the many persons of all classes with whom he came in contact, he was truly a great man, one to whom the world owes an eternal debt of gratitude, and who looms up in gigantic proportions through the mist of five centuries, holding the same relation to Italian art which Dante holds to Italian literature.' (Vol. i. p. 35.)

Niccolà Pisano left behind him six scholars, two of whom, his son Giovanni and Arnolfo del Cambio, appear to have been well worthy of receiving instruction from him. Giovanni

Pisano was born in 1240, and inherited no small portion of his father's genius. He must have taken early to sculpture, for at the age of twenty-six, when the contract for the pulpit at Siena was being drawn up, he was treated as an independent *maestro*, and not merely as one of the scholars for whose services his father considered himself authorised to engage. After two years spent there, and four at Naples, where he built a church for the Franciscans, and designed an episcopal palace, he went to Perugia to superintend the erection of the fountain designed by his father, and to execute its bas-reliefs. Having been summoned to Pisa by the death of Niccolà, he yielded to the solicitations of his fellow-citizens to remain there, and soon found himself engaged upon various important works.

Every one who has visited Pisa must remember the miniature church of Sta. Maria della Spina, which forms so great an ornament to the quays of the Arno. It was originally a small oratory, which, having been endowed with a thorn from our Lord's Crown, required enlarging for the convenience of the increased numbers of worshippers, and decorating in honour of the precious relic it was to contain. This work was entrusted to Giovanni; and although the Gothic character of the church, as we now see it, has made some writers doubt whether we may not be indebted to some travelling German architect for this building, the natural desire to give the honour of so lovely a gem of architecture to the great Pisan, who was undoubtedly employed upon it, and his known preference for Gothic forms, goes far to justify Mr. Perkins in attributing it to Giovanni.

His next great work was the celebrated Campo Santo, that treasure-house of mediæval art, a description of which alone is a history of early Tuscan painting and sculpture. Here were placed many of his own marbles, and among them one which deserves especial notice,—

'as being, perhaps, the first large statue made in Italy since the time of Constantine, and in criticising which it should be taken into consideration that in such a work immense and untried difficulties presented themselves to a sculptor accustomed to treat sculpture as an architectural accessory. The statue represents Pisa as a crowned and draped woman, holding two diminutive children at her breasts, as emblems of her fertility, and girdled with a cord seven times knotted, in token of her dominion over the seven islands of Corsica, Sardinia, Elba, Pianosa, Capraja, Giglio, and Gorgona. She stands upon a pedestal which is supported at the four corners by figures of Prudence, Temperance, Fortitude, and Justice (the guiding principles of government), between which eagles are sculptured, in allusion to her Roman origin. It would be hard to find anything

more original than this strange work, whose ugliness is somewhat redeemed by an intensity of expression which arrests the attention, and the dramatic turn of the head of the principal figure, whose sly glance seems on the watch for some strange coming. Excepting the nude figure of Temperance, whose classically knotted hair, and pose not unlike that of a Greek Venus, recalls the antique, the whole work is German in character, and as good an example of Giovanni's peculiarities as could be selected.' (Vol. i. p. 40.)

The Campo Santo also contains five other figures by Giovanni, and in the cathedral close by may be seen some bas-reliefs, which belonged formerly to a pulpit made for it in 1311, but which are so much inferior to those which he executed for the pulpit of St. Andrea at Pistoja, that we need only allude to their existence, and quote Mr. Perkins's description of the bas-relief on the latter representing the 'Massacre of 'the Innocents':—

'One of these,' he says, 'the Massacre, we consider Giovanni's masterpiece; nay more, we feel inclined to set it down as one of the most dramatic and forcible representations of this painful and revolting subject to be found in Italian art. Rare powers of conception and a dramatic feeling, which Niccolà wanted, are shown in the sullen satisfaction with which Herod looks upon the rush of maddened soldiers, despairing mothers, and shrieking infants, as well as in the figure of the woman who sits upon the ground, bowed in silent grief over the dead body of her child, and of her who yet struggles, in the agony of despair, to save her darling from a like fate.' (Vol. i. p. 45.)

While at Pistoja he executed two or three other works; after finishing them he went to see his old fellow-scholar Arnolfo del Cambio, whose reputation at Florence then stood so high that during Giovanni's stay there of two years he only received one order. On his return to Pisa he made the pulpit mentioned above, and having given to Perugia and Cortona two admirable specimens of monumental sculpture, and commenced the rebuilding of the cathedral at Prato, he died in 1320, at the advanced age of eighty. Giovanni Pisano, like his father, lived in troublous times, but he appears to have steered clear of political difficulties, and while wars were raging around him he laboured peacefully in producing works of art which have caused him to be remembered long after many of his brave and ambitious contemporaries have been forgotten. He left several pupils both at Pisa and Siena, and among them Andrea Pisano, one of the greatest of Italian sculptors. Arnolfo del Cambio, unlike his fellow-scholar, Giovanni Pisano, appears to have shown his talents late in life, for at thirty-four years old he was still an apprentice, while Giovanni, his junior by eight years, was treated as an independent *maestro*.

Although Arnolfo undoubtedly deserves a high place among the sculptors of the Pisan school, he owes it to a single work, the tomb of Cardinal de Braye in St. Domenico at Orvieto. The recumbent figure of the Cardinal, lying above a richly ornamented double basement, is watched over by angels, who are drawing back curtains—a conceit, which was adopted by Giovanni Pisano in his tomb of Pope Benedict XI., and copied and eventually caricatured by subsequent sculptors. Above the statue of the Cardinal is a Gothic tabernacle, and in it sits a dignified Madonna with the Holy Infant, and on either side of her saints presenting the Cardinal de Braye. The beautiful Gothic tabernacle at San Paolo fuori le mure at Rome has been attributed to Arnolfo by some writers, and his claim to its design stoutly denied by others. This question Mr. Perkins, though inclined to admit his title, is obliged to leave, as he found it, a very pretty artistic quarrel.

'To comprehend what Arnolfo did for Florence, we have but to look down upon that fair city from one of the neighbouring eminences, and note that all the most striking objects which greet the eye, the Duomo, the Palazzo Vecchio, Sta. Croce, or San Michele, and the walls which surround her, are his works.' (Vol. i. p. 53.)

'Arnolfo did not live to see the completion of any of the great buildings which he designed, and which still constitute the chief architectural ornaments of Florence; neither did he found a school, or firmly establish in other parts of Italy that original style of architecture which he there introduced. The reason of this may lie in the fact that it was rather a decoration than an architecture; as well as in the persistent predilection for classical forms in Italy, against which the Gothic made but a short stand, and which finally found its full expression in the buildings of Renaissance. Giotto made exquisite use of the Mediæval Florentine style in his Campanile, but its further development was checked even in Florence by Orcagna, while other Florentine artists who worked at Venice and in various parts of Italy, suited themselves to the taste of the locality. Arnolfo had two sons, Guiduccio and Alberto, of whom we know nothing but that, like their father, they were honoured with the citizenship of Florence. An inscription let into the wall of the cathedral; his portrait introduced by Giotto into a fresco which he painted in Sta. Croce, and a statue placed in our day side by side with that of Brunelleschi, opposite the cathedral which the one built and the other crowned with the second great dome in the world, are the only memorials to one of the most illustrious of Italian artists.' (Vol. i. p. 57.)

We now come to Andrea Pisano, and his scholars Nino and Tommaso, Giovanni Balduccio, and Andrea Orcagna.

Andrea Pisano was the son of Ugolino di Nino, and was born in 1270; all that is known of his youth is that he was

apprenticed to Giovanni Pisano, and he is believed to have gone at the age of thirty-five to Venice, and there influenced, if he did not actually make, the designs for some of the sculpture of St. Mark's and of the Ducal Palace. He appears to have acquired a great reputation as a bronze caster, although we unfortunately know nothing of his early works in metal, except that he sent a bronze crucifix to Pope Clement V. at Avignon; but that he had such a reputation, and fully deserved it, is proved by the fact of his having been chosen to make the gates for the Baptistery at Florence, which, if less beautiful than Ghiberti's, and somewhat eclipsed by them, are free from many of their faults, and have given him a lasting title to fame.

'In these works,' says Mr. Perkins, 'we find sentiment, simplicity, beauty of line, purity of design, and great elegance of drapery, combined with a technical perfection hardly ever surpassed, while the single allegorical figures show the all-pervading influence of Giotto, from whom Andrea learned to use the mystical and spiritual elements of German art as Giovanni Pisano had used the fantastic and dramatic. When they were completed and set up in the doorway of the Baptistery, now occupied by Ghiberti's Gates of Paradise, all Florence crowded to see them, and the Signory, who never quitted the Palazzo Vecchio in a body except on most solemn occasions, came in state to applaud the artist, and to confer upon him the dignity of citizenship.' (Vol. i. p. 65.)

A friendship, equally honourable and advantageous to both, subsisted between Andrea and Giotto, and led to the employment of the former upon the sculpture for the beautiful Campanile, and the façade of the Duomo, which the latter designed. The figures for the Duomo have been since used for the decoration of gardens; but it is to be hoped that when the new capital of Italy adorns its cathedral with the west front for which it has been waiting so many years, Andrea's statues may find their way back to the place for which they were originally made.

In 1345 Andrea died, leaving to the world the artistic legacy of five scholars—Arnoldo Arnoldi, his sons Nino and Tommaso, Giovanni Balduccio, and Andrea Orcagna. Of the first, who worked upon the façade of the Duomo, and was made 'Capo maestro dell' opera,' we know only one work, a dignified but rigid Madonna, without any of that beauty or expression which distinguished the works of his master. Nino, who had worked with his father upon the Baptistery gates, inherited much of his grace and feeling for beauty, and his statue of St. Peter in the Chiesa della Spina at Pisa, shows

that Giotto's influence had not been thrown away upon him. Tommaso's sculpture, judging from a specimen in the Campo Santo, was in every way inferior to his brother's; but as an architect he must have had some talent, for he accomplished the hazardous task of putting the top story to the Leaning Tower. He is also said to have been a painter and a goldsmith, although we have no examples of his skill in either of these capacities.

While the two sons of Andrea were thus employed in carrying on the work of the Pisan school in its birthplace, their fellow-scholar, Balduccio, was spreading its principles in the north of Italy. Having been invited by Azzo Visconti, Lord of Milan, to that city, he was employed by him on various works, the most important of which was the monument of St. Peter Martyr. In the design for this work he introduced a sarcophagus, a form of tomb of which, from their Campo Santo studies, the Pisan sculptors were particularly fond. This sarcophagus he raised upon pilasters, in front of which stand allegorical figures, simple, intelligible, and dignified as allegories of Christian virtues should be, and showing that Balduccio had learnt much from Giotto. The 'arca' has bas-reliefs from the life of the Saint upon it, separated from each other by statuettes of saints, and the whole is crowned with a tabernacle, under which sit the Madonna and Child with SS. Peter Martyr and Dominic. 'The monument altogether,' says Mr. Perkins, 'has few equals in unity of design, earnest-'ness of feeling, and a judicious use of the symbolism of 'Christian Art.' This tomb had only just been completed when Balduccio was called upon to construct a monument in memory of his employer, which has been preserved in the gallery of Milan.

The last and most celebrated of Andrea Pisano's scholars was Andrea Orcagna. Although originally brought up as a goldsmith, and known chiefly to posterity as an architect and a painter, he has left in the shrine of Or San Michele a work which establishes his fame as a sculptor. The bas-reliefs of this splendid monument give the whole life of the Madonna, and exhibit in wonderful perfection that great glory of Tuscan Art, the power of telling a story with clearness, simplicity, and beauty. Orcagna's other architectural work, the Loggia de' Lanzi, is known to all the world, and as it appears that Michael Angelo advised its continuation round the Piazza, we may also recommend this work to the Italian capital as soon as the façade of the Duomo is completed. With Orcagna the Pisan school may be said to close, and though some of its best

men lived at Florence, they were the scholars and grand-scholars of Niccolà, followed to a great extent in his steps, and are quite distinct in feeling and style from the Florentine school, founded nearly thirty years after Orcagna's death by Ghiberti and Donatello. To the Pisan school we owe a large debt of gratitude as the discoverers and improvers of Christian sculpture. It was Niccolà who first found that it was possible to combine the various figures of sacred or historical subjects into pleasing compositions, and the scholars of his son first succeeded in adding grace, beauty, and expression to their works. Their pure and simple style was of short duration, and may almost be said to have died with Orcagna, for though Tuscan Art rose yet higher than they left it in grace and beauty, it had hardly reached its best period before the plague, which was afterwards to destroy all sculpture, had begun.

Before proceeding to consider this Florentine school, we must follow Mr. Perkins to Siena and observe what fruit the example of Niccolà Pisano bore there. At the date of his arrival there, Siena must have been rich in so-called sculptors, 'for no less than sixty, we are told, kept open shop in the 'city, and constituted a guild ruled by three rectors and a 'chamberlain, elected for six months, none of whom could 'be changed, unless in case of illness or absence, and none re-'elected until three years after the expiration of a previous 'tenure of office.' As this powerful corporation did not attempt to assassinate Niccolà (a form which favourable criticism sometimes took in Italy), but without jealousy showed themselves ready to co-operate with and imitate him, we may fairly suppose that his acknowledged talents placed him above the reach of their envy. The names of one or two of these early Sienese sculptors have been rescued by Mr. Perkins from obscurity, but it is not until twelve years after the death of Niccolà that we find one who deserves to be remembered with admiration and respect.

This was Lorenzo Maitani,—

'who raised an imperishable monument to his name in the beautiful Gothic cathedral at Orvieto. Being a man of rare genius, and thoroughly versed in architecture, sculpture, bronze casting, and mosaic, Maitani was eminently fitted to undertake such a work, and, thanks to the singular fortune which permitted him to watch over it from the day when the corner-stone was laid to that which saw its last pinnacle pointed towards heaven, was enabled to carry it out with a unity of design unattainable by an artist less versatile than himself. . . . .

'"Artist-philosopher," says Romagnuoli, "Maitani adorned the "base of the façade with scenes from the Old and New Testament,

"the foundations of our religion; above which, about the circular "window, he placed the symbols of the Evangelists, with the statues of "the Apostles and popes; and those of the angels, at a dangerous and "almost aërial altitude." The bas-reliefs, a precious monument of the joint talents of many of the best Sienese and Pisan sculptors of the time, are sculptured upon four great piers, which have been aptly called the Pier of Creation, the Pier of Prophecy, the Pier of Fulfilment, and the Pier of Judgment. On the lower part of the first is represented the creation of the sun, moon, and stars, of birds and beasts, and of man and woman; and on the upper, the temptation, the expulsion from Paradise, and the murder of Abel. Nothing can exceed the flower-like freshness and purity of the angels who, with reverently bent heads, and folded arms or clasped hands, attend upon the Creator, and singly or in groups, watch and reason together upon each successive act of creation; as, for instance, when the Lord walks in the garden and calls unto Adam, one of the two angels who follow Him, points out our first parents, and explains the story of their sin, while the other with sad countenance grieves over their fall. It is God the Son who appears as the Creator, and who, in literal interpretation of the words, "And God created man in His own image," repeats in Adam His own oval-shaped head, high-set eyes, and parted flowing ringlets. We see in the broader forms, ruder execution, and different type of the figures in the upper portion of this pier, that they were sculptured by another hand than those below, which are among the most beautiful productions of early Italian art. The Pier of Prophecy, which relates to the Mosaic dispensation, is evidently the work of many and inferior artists. The Pier of Fulfilment contains finer compositions than the Pier of Creation, but with greater technical perfection its reliefs have less freshness and spontaneity, less of that lovely awkwardness which belongs only to the childhood of Art, whose very defects are attractive. Among these, the Annunciation, the Nativity, and especially the Visitation, could hardly be surpassed in composition, expression, or drapery. With exquisite sentiment, half figures of angels are placed beside each relief of this pier, whose emotions as they grieve over Christ's sufferings, or rejoice over His resurrection and ascension, are depicted in their countenances with great variety of expression. Like the chorus of a Greek tragedy, they serve as a running commentary upon the successive events of our Lord's life, and by giving us the key-note, keep our thoughts in harmony with each. Although the angels are less skilfully sculptured than the reliefs, their mutual relation is such that they must have been designed by one artist. In the fourth and last pier, the dead are seen rising from sarcophagi, whose heavy lids some strive to lift, while others, already free, look upwards to the blessed who, guided by guardian angels, are pressing forward to the light Divine; while the condemned are urged forward shrieking and weeping, by an angel of stern countenance, who holds them in a leash and drives them by a scourge into the arms of demon skeletons with serpents' tails, bats' wings, and jaws stretching from ear to ear. From the base of each of the four piers rises a vine, symbolic of

Christ, the True Vine, which enframes each separate relief with its branches, leaves, and tendrils.' (Vol. i. p. 90.)

It would be extremely satisfactory to be able with any degree of certainty to name the authors of these beautiful sculptures. That their general design is due to Maitani, who lived among the workshops of the cathedral, and directed its daily progress, we may fairly assume, and we know that some of the scholars of Giovanni Pisano were employed upon it, but more positive information than this we cannot get, and must be satisfied with the negative evidence which Mr. Perkins has collected to prove that none of the well-known sculptors of the time to whom it has been attributed had any hand in the work. But taking these sculptures altogether as the production of Sienese and Pisan artists working under the constant superintendence of a Sienese architect who must have owed some part of his education to the Pisani, we are entitled to consider them admirable examples of the school which Niccolà planted at Siena.

The fourteenth century was not favourable to the production of artists at Siena. Intestine quarrels, revolutions, street fights, and the banishment in 1368 of four thousand of its citizens, gave 'heavy blows and great discouragement' to Art, and towards the end of the century the Sienese school seemed upon the point of expiring, when Giacomo della Quercia arose to give it new life. He was the son of a goldsmith, and his artistic education was Sienese, but having become involved in some political troubles he left his native city, and did not return to embellish it with his works for many years. He went to Florence, and by 1401 must have acquired a considerable reputation, for we find that he was then selected as one of the six competitors for the gate of the Baptistery, in which trial of skill he was placed next after Ghiberti and Brunelleschi. A Madonna over one of the side-doors of the Duomo is thought to be a specimen of his style at this period, and a bear climbing up a pear-tree in one corner of this bas-relief is supposed to illustrate the proverb 'Dar le pere in guardia all' orso,' and thus to show the mortification which Quercia felt at having submitted his competition design to the judgment of, as he thought, incompetent critics. This explanation has, except for ingenuity, but little claim to respect. Vasari supposes that this work was not undertaken till Quercia visited Florence again many years later, and Baldinucci asserts that Donatello's pupil, Nanni di Banco, was in reality the sculptor. After a residence of some years at Ferrara, where he has left specimens of his work, Quercia was invited to his native city by the Signory, who appointed him to make a fountain for the great

Piazza. The Council of Siena had lately made a somewhat ridiculous exhibition of their zeal for Christian Art. They had decided that the factious tumults and other misfortunes which had afflicted their city were due to the presence of a very beautiful antique statue of Venus upon the fountain of the Piazza; so the fair goddess was condemned to be thrown down, broken to pieces, and buried in the territory of the Florentines, in the hope that she might bring them bad luck. This sentence was carried out, and the world lost a fine statue said to have been by Lysippus; it has, however, gained something in exchange; for Quercia having been appointed to decorate the mutilated monument, made the Fonte Gaja so beautiful as to be considered one of the world's model fountains, and acquired for himself the name of Jacopo della Fonte, a strong popular testimony to the merits of his work.

While engaged upon the fountain at Siena, Jacopo undertook the construction of a monument at Lucca to Maria, wife of Paolo Guinigi, lord of that city, which has been much praised for its unaffected beauty. In 1416 he received a commission for two bronze bas-reliefs for the font of the Baptistery at Siena, the first of which he only finished in 1430. He also visited Bologna to make bas-reliefs for the great doorway of the Basilica of S. Petronio. The natural result of these various engagements was that he was in constant trouble with his different employers, and complaints, threats, forcible detentions, fines, broken contracts, and money difficulties, made the latter part of his life miserable.

Quercia was, says Vasari, 'the first after Andrea Pisano, 'Orcagna, and the others before mentioned who, working in 'the art of sculpture with more earnest study, showed what a 'much nearer approach could be made to Nature than had be-'fore been achieved; so that it was by his example that others 'were taught to turn their attention towards rivalling her 'works.' That this praise is just, and that he had made a great advance in representing emotion and sentiment, any one may perceive by looking at the specimens of his terra-cotta work in the South Kensington Museum. That he influenced great men who came after him is seen by comparing his treatment of some of the subjects from the Old Testament in the bas-reliefs at St. Petronio with the frescoes of the same subjects by Michael Angelo and Raphael at Rome. Vasari also accords to Quercia in speaking of these very works at St. Petronio, the praise of having been the first to restore the lost art of sculpturing in bas-relief,—an absurd assertion which his lives of earlier sculptors sufficiently contradict. Quercia

wanted the refinement of the great Florentine masters, and was far inferior to them in the management of drapery; but with all due allowance for his shortcomings, and without trying to give him any undeserved praise, he will be allowed by all who study his works the titles of a real genius and a true artist. With the exception perhaps of Vecchietta, Quercia was the only great sculptor of the Sienese school, as Maitani was its only great architect; yet it acquired and maintained for some time a reputation which made it the rival of the Pisan and Florentine schools. But as the glory of a school of art depends rather upon the splendour of its great luminaries than upon the number of its smaller stars, Siena must be content with the third place in Tuscan Sculpture.

Turning now again to Florence, where we saw the Pisan school expire with Andrea Orcagna, we must bestow some attention upon Ghiberti and Donatello, who were at once the founders and chief glory of their native school:—

'Placed midway between the age of strong religious feeling and that in which Paganism invaded every form of art and literature, the period was singularly favourable for artistic education, as the waning influence of religion was still strong enough to check the adoption of Pagan sentiment, while a general enthusiasm for the antique led to the study of the beauty of form and technical perfection revealed in those newly acquired masterpieces of classic art, which were eagerly sought for and daily added to the collections of the time.

'In its first phase, as represented by Brunelleschi in architecture, and by Ghiberti and Donatello in sculpture, the Renaissance was noble and profitable; but it became destructive to all life and progress when artists no longer seeking to assimilate its abstract principles to new ideas, aimed at positive imitation of antique forms; when striking at the foundations of religious belief already grievously shaken by the iniquities of Rome, classic art and literature usurped the first place in men's affections so completely that few were scandalised when they saw a never-dying lamp burning before the bust of Plato, as before that of a saint; when Sigismund Pandolfo dedicated a temple to his concubine, Isotta da Rimini, and covered its walls with their interlaced cyphers; when painters represented the Madonna under the features of a well-known courtesan; when the secretary of a pope called Jesus Christ a hero, and the Virgin a goddess; and a sculptor modelled the loves of Leda and the Swan among the ornaments of the great doorway of the Basilica dedicated to the chief of the apostles. These abuses, which would have filled the men of the fourteenth, and early part of the fifteenth, century with horror, and which gradually increased until they roused the zealous and fiery Savonarola to pour out his threatenings of wrath to come, were unknown in Ghiberti's youth, during which Florence enjoyed comparative peace and repose, and extended her boundaries

and her wealth by commercial enterprise; while Art grew under the kindly influence of Cosmo de' Medici, that great merchant-prince who not only spent vast sums upon the acquisition of antique treasures which he used as means of education, but also bestowed that best sort of patronage upon contemporaneous art which consists in treating the artist like a friend and an equal.' (Vol. i. p. 122.)

Lorenzo Ghiberti was born in 1381, and studied as a goldsmith under his stepfather Bartolo di Michiele, but, as we are told, occupied much of his time in modelling and painting. In the latter art he made such progress that at the age of eighteen he was invited by a brother artist to assist him in painting some frescoes at Rimini, in which work he showed so much talent that Carlo Malatesta made him handsome offers to induce him to remain there; but it was at this time that the Signory of Florence and the Merchants' Guild issued an invitation to all the best Italian artists to compete for the commission of making a bronze door for the Baptistery, and by the advice of his stepfather, Ghiberti entered his name on the list of candidates. He was one of six selected to compete, and, as all the world knows, proved the victor.

The gates of Ghiberti may be pointed to as a proof of the advantages of a system of competition for important artistic commissions; and as this system obtains very generally at the present day, it may not be out of place here to examine the principles upon which it was conducted at Florence, and to compare them with those now commonly adopted. The Florentine authorities began by inviting all the artists of Italy who were willing to compete to send in their names as candidates for that honour; from among these names they selected six. The proof of skill which they were required to furnish was one panel of a given shape and subject—not a design merely, but finished in bronze, as if it were to form a part of one of the gates—and a year was allowed for its production. In the meantime a jury, consisting of thirty-four painters, sculptors, and goldsmiths, native and foreign, was impanelled, each of whom, we are told, was very skilful in his own branch of art. The conditions of the competition were simple; they could not be easily evaded by the artists, and gave to the jury in the most satisfactory and intelligible form all the evidence requisite for arriving at a decision. Lastly, the competition was a *bonâ fide* one, in which the winner was to execute the work.

The verdict of this imposing collection of professional opinions at Florence was certainly not as satisfactory as might have been hoped. The jurors had no difficulty in determining that the panels by Ghiberti and Brunelleschi were better

than those of the other four; but they could not decide between these two, and were only saved from the even chance of a fatal mistake by the extraordinarily magnanimous conduct of Brunelleschi, who confessed himself fairly beaten, and begged to withdraw from the contest.

The first important question in all artistic competitions is of course the composition of the jury. Should it be large or small? Professional or amateur? or mixed? It is necessary that it should satisfy the public and the competing artists beforehand by the probability of its fairness, and its capability for deciding upon the comparative merits of the designs. That a small jury is to be preferred we have no doubt, for the reason given above and for others which easily suggest themselves; but between the advantages and disadvantages of professional, amateur, and mixed juries, it is very difficult to decide. A jury of artists, though it would, we believe, be most acceptable to the competitors, is apt to be suspected of professional jealousies or friendships which would unfit it for its duty, and it is an acknowledged fact that artists are generally the worst critics of their own branch of Art. An amateur jury is despised by the artists, who somewhat unreasonably ignore the fact that it is the amateurs for whom they work and by whose judgment their reputations are made. It has also but little authority with the general public, because the names of its members are but seldom well known in connexion with Art, and has, perhaps, even less weight among the public of amateurs, who always show (confidentially to a third party) the greatest contempt for each other's opinions. The success of a mixed jury must depend chiefly upon the temper and fairness of its members; but if well composed, it is on the whole more likely to give general satisfaction than either of the other kinds. The conclusions which these remarks on competitions appear to us to suggest are, that to produce any satisfactory result a competition must be, from first to last, a perfectly honest transaction, having a definite practical object; that the jury should be small, and selected with a view to inspire confidence both among the artists and the public; that the number of the competitors should also be small, and that these should be chosen for their known merits; that the subject proposed should be simple enough to enable the jury to compare the rival performances; that the conditions of the competition should be strictly enforced; and lastly, that the victorious competitor should execute the proposed work.

Let us now return to Ghiberti, whom we left upon the point of beginning the work he had so fairly won. His first

gate contained twenty-eight panels, twenty of which contain illustrations of the Gospel history from the Annunciation to the Descent of the Holy Ghost. In the remaining eight are the four Evangelists and the four Doctors of the Church.

'One can never tire,' says Mr. Perkins, 'in looking at these exquisite works, which combine the purity of style of an earlier period with a hitherto unattained technical knowledge and skill in handling. The most lovely among them is the "Annunciation," in which the Virgin shrinks back beneath an exquisite little portico before a graceful angel; and two of the most striking are the "Raising of Lazarus" (a perfect Byzantine type) and the "Temptation of our Lord." The single figures of the Evangelists are dignified and admirably draped, and the exquisite little angel who whispers inspiration to Matthew, is of a type peculiar to Ghiberti, and singularly refined.' (Vol. i. p. 127.)

We cannot help regretting that Mr. Perkins has given us no drawing of the 'Annunciation' to which he alludes, since it is one of the most beautiful representations we know of that lovely but often ill-treated subject.

The gate took twenty-one years to finish, although twenty artists were engaged upon it,—a fact which we recommend to the attention of those who show so much impatience for the completion of all national artistic works. Conceive what letters in the newspapers and questions in Parliament would torment a sculptor who took twenty-one years to make a gate for St. Paul's. The Florentines, however, seem to have been patient and grateful, for no sooner was the first gate finished than they gave Ghiberti a commission to make them a second. This second gate exhibits, as might well be expected, considerable superiority in technical skill, and there we are inclined to think its superiority over the first gate ends. 'In modelling 'these reliefs,' says Ghiberti himself, 'I strove to imitate 'nature to the utmost, and by investigating her methods of 'work to see how nearly I could approach her. I sought 'to understand how forms strike upon the eye, and how 'the theoretic part of sculptural and pictorial art should be 'managed. Working with the utmost diligence and care, I 'introduced into some of my compositions as many as one 'hundred figures, which I modelled upon different planes, so 'that those nearest the eye might appear larger, and those 'more remote smaller in proportion.' But if Michael Angelo's axiom be true, that 'the more nearly painting attains to 'relievo, the better it is, and the more nearly relievo attains 'to painting, the worse it is,' Ghiberti has committed a great error, and we must own that, when he executed perspectives,

landscapes, and distant figures in bas-relief, he only succeeded in accomplishing what ought never to have been attempted. Michael Angelo's other and better known remark, that these gates were worthy to be the gates of Paradise, the beauty of the compositions, and the perfect handling of the details, make us forget that the sculptor has overstepped the true limits of his art, and become, as Mr. Perkins happily observes, 'a painter 'in bronze.' But we believe that there is no true lover of sculpture, who, after a careful study of the first and second gates, would not give the preference to the bas-reliefs of the former.

That Ghiberti should have had a great enthusiasm for the antique will surprise no one who observes the attention which he paid to beauty of form; but it is remarkable that the extravagant love of everything Greek, which led him to date his visit to Rome in the 'four hundred and fortieth Olympiad,' should not have induced him to heathenise his Christian sculpture. And the moderation and good taste which he showed in thus learning the right lesson only from his study of ancient sculpture makes him a peculiarly valuable example to the artists of the present day.

'In statues,' says Mr. Perkins, 'Ghiberti was by no means 'so successful as in bas-reliefs, because his love of detail, rich-'ness of invention, and knowledge of perspective were there 'of little or no use to him.' Admitting the fact of the inferiority of his statues, we should have attributed it rather to the impossibility of their exhibiting his talent for composition and power of telling a story than to the loss of that 'love of detail 'and knowledge of perspective' which led him to become a 'painter in bronze,' instead of a sculptor. The St. Stephen on the outside of Or San Michele, executed for the Wool Merchants' guild, is, however, a beautiful figure, and was so much admired at the time that Ghiberti was commissioned by the Bankers to make them a St. Matthew for the next niche.

No specimens of Ghiberti's work as a goldsmith remain to us, though we have descriptions of two very costly and elaborate mitres, and a 'morse,' or cope-clasp, of his make; but proofs of his skill as a painter or designer of coloured windows, which Mr. Perkins has omitted to notice, are fortunately still to be seen: the gorgeous rose in Sta. Croce, and some of the lights in the cathedral at Florence, we owe to Ghiberti, and they are among the finest specimens of the art in existence. Ghiberti's private character does not appear to have been remarkably amiable; and, judging from the ungenerous manner in which he behaved to Brunelleschi about the cupola of the

cathedral, in return for his magnanimous conduct in the competition for the gates, his biographer is 'forced to conclude that 'his heart was bad, and his disposition mercenary.'

We now come to Donatello, the son of Nicolo di Betto Bardi, who was born at Florence in 1386, and was therefore six years younger than Ghiberti. His study of art commenced early under Bicci di Lorenzo, a painter and sculptor of no great merit, whom he must soon have eclipsed if it be true that at sixteen years of age his opinion was asked by the judges in the competition for the Baptistery gates. He had the advantage of living in the house of a wealthy banker, Ruberto Martelli, who furnished him with means for study, and remained his true friend through life. The criticisms and advice of his friend Brunelleschi must also have been very useful to him, and, judging from the well-known story of the rival crucifixes, they must have been singularly free, not to say severe. These two friends went together to Rome, where they spent some time in the study of ancient sculpture and architecture. In or about 1411, soon after Donatello's return from Rome, he executed the statues of SS. Peter and Mark for the exterior niches of Or San Michele. The St. Mark is a grand and solemn figure, which we are surprised to find somewhat slighted by our author, who, whilst he quotes the 'negative praise' given to it by Michael Angelo when he said, 'that no one could 'refuse to believe the gospel preached by such an honest-look-'ing man,' omits the high artistic compliment which he paid the statue by addressing it with, 'Marco, perchè non mi parli?' But if we differ from Mr. Perkins in his estimate of Donatello's St. Mark, we can most thoroughly sympathise in his admiration for the St. George, which stands in an adjoining niche, and will give his own remarks upon it:—

'It is,' he says, 'a statue which deservedly ranks as the finest personification of a Christian hero ever wrought in marble. Resting one hand on the top of an oblong shield, while the other hangs by his side, he stands with erect head and piercing glance as if about to turn upon a deadly enemy. Every line is indicative of the cool resolve which ensures triumph; every portion of his body, even to the slightly-compressed fingers of the right hand, full of a dominant thought. In the base of the beautiful Gothic niche in which it stands, a spirited and admirably composed bas-relief, sadly injured by time, represents the combat between the Saint and the Dragon.' (Vol. i. p. 140.)

A fine plaster cast of this group, probably not less than 300 years old, is now in the Kensington Museum, and having been made when Donatello's work was in good preservation, gives

perhaps a better idea of its merits than can be got from an inspection of the defaced original at the present day. A bas-relief by Donatello, also in the Kensington Museum, representing the Delivery of the Keys to St. Peter, will also, from the similarity of its style, give a good idea of the 'Sticciato' or flattened relief for which he was particularly celebrated; one of the finest examples of it is to be found upon the tomb of Cardinal Brancacci at Naples. This extremely low relief is to be found in some early Egyptian sculpture, and also, with more attempt at modelling, in the Assyrian works at the British Museum; it was also in use among the ancient Etruscans, but as Donatello more probably re-invented than revived it, and while bringing it to perfection gave it a character peculiarly his own, he should certainly be allowed all the honours of the discovery. He has certainly had to pay the posthumous penalty of a wide-spread reputation; for as this kind of work is popularly known as the Donatello style, the authorship of many examples of which he would have been heartily ashamed has been attributed to him.

In two of his works Donatello was associated with Michelozzo: these were, the Aragazzi monument at Montepulciano—a splendid work now in ruins, which was ordered by the poet whom it was to commemorate twelve years before his own death—and a bronze bas-relief for the Font at Siena, which had been originally ordered of Quercia, who in the multiplicity and confusion of his engagements had never found time even to begin it.

Mr. Perkins divides Donatello's works into two classes, the Realistic and the Classical. To the former belong a Magdalen and St. John Baptist at Florence. They are not unpoetical works, for they address themselves to the imagination, but they are unpleasing to the eye, because their author would not sacrifice to beauty what he considered to be the true way of representing an ascetic and a penitent. That this was his feeling upon the subject we may fairly suppose, because he had also a very real appreciation of beauty; but artists should remember that it is not the province of Art to tell unpleasant truths too plainly.

Donatello's works in the Classical style were many of them imitations or adaptations of the antique; such for instance as eight statues ordered by Cosmo de' Medici for the cortile of his palace, which were to be copied from some of his finest gems, and a bronze patera or mirror, supposed to have been similarly inspired, and which was bought from the Martelli Collection for the Kensington Museum for 600*l.* The statue

of David with the head of Goliath, now in the Uffizi at Florence, is also thoroughly classical in style, and might almost have been taken from an antique Perseus.

One work of Donatello's, the equestrian statue of Gattamelata at Padua, deserves especial notice, as the first successful attempt of the kind in Italy, and must be considered an all but original effort, since the only equestrian statue which the sculptor could have known was that of Marcus Aurelius at Rome. The horse, as might be expected, is a large clumsy cart-horse, with impossible action; but the warrior is dignified, and the general effect grand and imposing.

In his private life Donatello was simple and unostentatious, honest, upright and generous; he died at the advanced age of eighty-five, and was buried near his friend and patron, Cosmo de' Medici, in the presence of all the artists and an immense concourse of the citizens of Florence. His life was so long and industrious, and his influence so great, that one may fairly class most of his Florentine contemporaries among his pupils. Nanni di Banco, for instance, often profited by the advice and assistance of Donatello; and Michelozzo, who worked with him upon the Brancacci and Aragazzi monuments, imitated him in his sculpture, though his name is best known to us as an architect. A very remarkable artist of this same period was Desiderio da Settignano, a pupil of Donatello's, of whom unfortunately but few works remain to us, but those few exhibit such 'high tech-'nical excellence, refinement of taste, delicacy of treatment, 'and purity of design,' as to make us regret their extreme rarity. Three specimens in the Kensington Museum are ascribed to him, and one at least with considerable probability. That most interesting collection contains two or three undoubted works of another of Donatello's best pupils, Antonio Rossellino. He was one of an artistic family of five brothers, all architects or sculptors. The story related of Pope Pius II. and Bernardo Rossellino, one of these brothers, sets so splendid an example to patrons of Art that we will reproduce it here. Bernardo was employed by Pope Pius to build a palace and church at his birthplace, Cosignano, which he was embellishing, and to which he gave the name of Pienza. The estimated cost

'was eight or ten thousand ducats, but, as generally happens in such cases, that sum had been immensely exceeded long before their completion. When His Holiness was notified of this, he sent for his architect, and, instead of upbraiding him, said, "You have done well, my Bernardo, in exceeding your estimates, for if you had told me the truth, I should have refused to spend so large a sum, and this

noble palace and temple, which all Italy now admires, would never have been built. Thus through your want of candour these fine buildings exist, which all but a few envious persons praise. We thank you heartily, and consider you worthy of honour above all architects of the century; in testimony of which, we shall order that one hundred ducats be given to you, and a new scarlet doublet."' (Vol. i. p. 203.)

Andrea Verocchio, whose works bear but little resemblance to those of his master Donatello, began life as a goldsmith, and obtained great celebrity in his art. Only two silver bas-reliefs, however, remain to us of all that he executed in the precious metals; he also studied painting with but indifferent success, and disgusted, as we are told, with the superior ability of his young pupil Leonardo da Vinci, betook himself to sculpture. Mr. Perkins gives an engraving of one of his bas-reliefs representing the death of Selvaggia (called upon the plate Lucrezia) Tornabuoni. It is almost as angular and exaggerated in parts as a work of Adam Kraft's, but contains one figure of a woman sitting upon the ground in silent sorrow, which can hardly be surpassed for grandeur and pathos. The celebrated equestrian statue of the Condottiere Coleoni at Venice often passes for a work of this sculptor, because he received the commission for its execution and commenced it, but as he died probably before it was even modelled, and as Alessandro Leopardi, a Venetian sculptor, was appointed to complete the monument, which bears no resemblance in style to the works of Verocchio, Mr. Perkins considers that the high honour of having made one of the finest equestrian statues in the world must be ceded to the Venetian.

Verocchio's strongest title to fame perhaps is that he was the master of Leonardo da Vinci, that universal genius who rivalled or surpassed all his contemporaries in sculpture as in painting, science, music, horsemanship, and arms. As a sculptor Leonardo's only great work was an equestrian statue of Francesco Sforza of, or rather for, which fourteen sketches are preserved at Windsor. This monument, which Mr. Perkins believes to have been 'the finest equestrian statue ever mo-'delled,' was entirely demolished during the French occupation of Italy.

Among the sculptors of this period of Tuscan Art, none are perhaps better known, or more generally popular, than the Della Robbia family, whose productions in glazed terra cotta may be seen in hundreds of museums, palaces, and private houses. Two errors, however, respecting this ware are so commonly received as to require correction—the first is, that Luca della Robbia was the inventor of the stanniferous glaze

which is the chief peculiarity of the ware called after him; the other, that the art of employing it is lost. That Luca della Robbia did not invent the stanniferous enamel is clear from the fact that it was used by the Egyptians, Assyrians, and Greeks, as well as by the Moors and Italians before his time; but he did not even originate its application to sculpture, for 'twenty years before Luca perfected his system 'Bicci di Lorenzo modelled and glazed a terra-cotta group of 'the coronation of the Madonna, which still fills the lunette 'over the door of the hospital of S. Egidio at Florence.' That the art is not lost any collector may easily satisfy himself when he has acquired, at a high price, some of the very clever imitations which are constantly coming into the 'curi-'osity' market. The beauty and brilliancy of some of the best pieces by Luca and Andrea have perhaps never yet been equalled; but as it is manifestly impossible, under a glaze, to detect those minute peculiarities of style and handling by which a practised eye determines upon the authenticity of a painting or marble, forged della Robbia ware has been so extensively fabricated that, without a pedigree, none but the very finest pieces can be accepted as genuine.

Luca's works in marble are few, but the bas-reliefs in the Uffizi of boys dancing, singing, and playing, which were intended for the balustrade of one of the organs in the Duomo, exhibit qualities which would place him on a level with Ghiberti. In bronze, however, Ghiberti's own material, Luca could not approach him, and the doors which he made for the sacristy of the Duomo only showed that those of the Baptistery were not to be equalled.

A foolish story has come down to us of Luca della Robbia having deposited his secret in one of his best pieces of terra cotta. As the ware continued to be made by his family and scholars for nearly a century, the tale is most improbable, and we may congratulate ourselves that it has never been sufficiently believed to induce any patient investigator to go through his works with a hammer in hopes of making the discovery. The family, however, did their best to keep to themselves all knowledge upon their peculiar art, but did so in vain, for even in the lifetime of Luca and Andrea della Robbia, one Agostino di Guccio was adorning the façade of the church of S. Benardino at Perugia with terra cottas similar, and in some respects even superior, to those of his rivals.

'Other workers in Robbia ware were Baglioni, who made the Madonna and angels in a chapel of the Badia at Florence, and a now destroyed altar for the Duomo at Perugia; Pietro Paolo Agabiti da

Sassoferrato, sculptor and painter, who made the ancona of an altar at Arceria in the Sinigaglian district, which is still preserved in the Capuchin convent of that town; Agostino and Polidoro, who made the Porta di S. Pietro at Perugia; and Georgio Andreoli from Gubbio, one of whose altar reliefs is preserved in the "Staedelsche Institut" at Frankfort am Main.' (Vol. i. p. 216.)

One of the best sculptors of this period was Mino di Giovanni, called da Fiesole, whose works are remarkable for grace and refinement, which sometimes degenerated into prettiness, and lost its power of attracting by too frequent repetition. When, however, he copied nature faithfully, as in the bust of Bishop Salutati, of which Mr. Perkins has given an engraving, we see that he possessed the power of representing in marble strong character and intellectual force.

Matteo Civitali, the contemporary of Mino di Giovanni, far excelled him in variety of style. He is, indeed, said to have had four styles, the first of which was the most realistic; the second, the most perfect; the third, freer and more original, but less pure; and the fourth, whose extravagance is strangely at variance with all the others. One of his most beautiful works is a figure of Faith in the Uffizi Gallery, which, says Mr. Perkins,

'embodies his best qualities, viz., earnestness and religious feeling. When we see how beautifully she gazes towards heaven, we feel, as when looking at the Angels at Lucca and the Zacharias at Genoa, that the artist who sculptured them must have been a devout Christian who himself knew how to pray. We would insist upon *this* quality in his works, because it is peculiar to them among those of his century. Many other cinque cento sculptors treated Christian subjects almost exclusively and often with great expression, but no one did so with so little conventionality and such depth of feeling as Civitali.' (Vol. i. p. 201.)

Some good examples of his work may be seen in the Kensington Museum. With Civitali Mr. Perkins concludes his notice of what he calls the Pictorial school of sculpture, in which he includes Ghiberti, Donatello, and their pupils, Verocchio, Luca della Robbia and his school, the Rossellini, Mino da Fiesole and Civitali. We have some doubts as to the propriety of classing the Della Robbia school among the pictorial sculptors, and can see still less reason for giving that name to Mino or Civitali, who were no imitators of Ghiberti or Donatello in drawing on marble, or 'painting in bronze.'

The Fourth Book bears the Title of 'Tares among the 'Wheat.' The bundle of tares includes Pollajuolo, the Majani, Bartolomeo di Montelupo, and the Ferucci, Andrea and Jacopo Sansavino, Francesco di Sangallo, Benedetto da Ro-

vezzano and Torregiano; some of them names much honoured, but associated with works exhibiting those bad qualities which choked the good seed sown by earlier labourers, and eventually ruined the whole field of sculptural art. In Pollajuolo we find extravagance and mannerism, violent attitudes, and an obtrusive display of that anatomical knowledge which he has the credit of having been the first to seek by dissection. Why Benedetto da Majano was bound up among the tares is not so clear to us; it is owned that 'Tuscany has produced 'few sculptors so graceful and pleasing,' that his 'sentiment 'though not profound was always true and unaffected,' and his 'style exempt from mannerism.' It appears to us that his bas-reliefs should have secured him a good place among the pictorial sculptors, whose merits and defects he to a great extent adopted. As an architect he deserves high honour, for to him it is that Florence owes the Strozzi Palace, one of her finest buildings. Andrea Ferucci, although much praised by Vasari, who preferred him to Mino de Fiesole, was probably, as Mr. Perkins says, 'a second-rate artist whose works are pleasing but want-'ing in character, and who owed his success rather to the good 'school in which he was educated than to any great natural 'gifts.' The examples of this master in the Kensington Museum, while fully bearing out this judgment, do not show any remarkable symptoms of the decadence of sculpture. In the works, however, of Andrea Contucci di Sansavino those fatal symptoms are terribly prominent. Want of repose, and therefore of dignity, is constantly felt, and nowhere more so, perhaps, than in the monuments of two Cardinals in the Church of Sta. Maria del Popolo at Rome—works in which, by all laws of propriety and good taste, those qualities should have been eminently conspicuous:—

'In these,' says Mr. Perkins, 'which are universally acknowledged to be Sansavino's masterpieces, we have a striking example of the inferiority of his taste to that of the best scholars of Ghiberti or Donatello; they are a bewildering maze of statuettes and decorations which perplex the eye and distract the attention from the central figures, no longer laid out in calm repose, but reclining in uneasy attitudes which could not exist in life or be maintained in death. This compromise between the pagan and mediæval mode of representing the dead is equally removed from the meaning of the first and the beautiful fitness of the second. The Etruscans and Romans either placed a bust in a recess in front of the sarcophagus, or a portrait statue upon it generally reclining upon one elbow as if assisting at a banquet, but rarely stretched out as if asleep, their object being to recall the individual to his friends as they had known him in life, and as they supposed him still to be, capable of enjoying,

but in a more abundant measure, the pleasures which he had tasted in this world. The Christian sculptor, on the other hand, taught by his religion that when the corruptible body was laid in the grave, the spirit returned to God who gave it, made the marble effigy upon the tomb as much like the dead body which lay within it as possible. Each had a reason for the course which he adopted, whereas we can find none for the senseless innovation of Sansavino, by which he neither imitated life nor the majestic repose and impressive stillness of death.' (Vol. i. p. 243.)

This attempt to commemorate a dead cardinal by representing him asleep, with his mitre and vestments on in the attitude of a banqueting Roman, is a type of that compromise with paganism which destroyed all Christian sculpture, and so the very art of sculpture itself. When artists took to paganism for the expression of Christian sentiment, they abandoned their hold upon our sympathy; and as religious feeling is stronger than a taste for archæology, or an appreciation of mere beauty, so in the treatment of sacred subjects, that art which is the true exponent of Christianity will affect our hearts and minds when the admiration of all other artistic qualities has grown cold.

Of Jacopo Sansavino, Andrea's pupil, it is difficult for any one who has felt the fascination of Venice to speak with anything but praise:—

'No man has ever left his impress so strongly upon a city as Sansavino has upon Venice; turn where we will, some church or palace meets the eye which owes its existence to him; it is, therefore, much to be regretted that his style, with all its richness and picturesqueness, was not purer, and that so much genius should have produced works which were fruitful of evil to the rising generation.' (Vol. i. p. 253.)

We now come to Michael Angelo, whose life has been written over and over again, but never in such a manner as to give complete satisfaction. He was at once an architect, a painter, a sculptor, a writer, and even an engineer; he lived with the most remarkable persons of a period of great men, and his life and fortunes were intimately connected with passing political events. A complete history of that life must therefore be an artistic, literary, biographical, and historical work, and the difficulty of giving a distinct account of the different phases of so complex a man, while preserving a continuous and intelligible narrative properly illustrated by notices of his contemporaries, is such that we can hardly wonder at the want of success which has hitherto attended every 'Life of Michael Angelo.'

That by Mr. Harford, which was noticed in this Review a few years ago, is perhaps in some respects the best that has

yet been written, and this position it will certainly not be required to yield to the life by Herman Grimm, a translation of which by Miss Bunnett has just appeared. As this work has been taken from the German without being put into English, we fear that its style will effectually prevent any one from reading it steadily through, while the absence of either index or table of contents deprives it of all value as a book of reference. The narrative is confused, and worse confounded by constant digressions; the descriptions are such as we could expect from the pen of an author endowed with a lively imagination, a strong sense of the sublime and none of the ridiculous; the criticisms appear to have been formed more from these descriptions than from an examination of the things described. Altogether the work presents the most extraordinary contrasts to the simplicity, clearness, and good judgment which are the characteristics of Mr. Perkins. His account of Michael Angelo is, indeed, almost exclusively confined to the consideration of his works as a sculptor, although it also contains sufficient notices of his life and other productions to make it an interesting artistic biography. We can hardly admit his assertion to be true, that Michael Angelo was greater in sculpture than in any other of the arts he practised, and we think there are but few good judges who would place the tombs of the Medici or the Pietà at St. Peter's above the paintings of the Sistine ceiling, either as works of art or proofs of genius; but as Mr. Perkins is a writer upon sculpture, he may fairly be allowed some partiality for his own subject.

In his youth (that is before he was twenty-four years old, for artistically speaking he never was young), Michael Angelo executed pagan works in imitation of the antique, one of which, intended as a deception, was stained to look like old marble, sent to Rome to be buried and 'discovered,' and in due course succeeded in deceiving the Cardinal di S. Giorgio, who, though he returned the statue, upon finding out the trick, to the agent from whom he had bought it, was so much struck with its cleverness that he sent to Florence to discover its author and invite him to Rome. Michael Angelo went, and it was then and there that he executed the famous Pietà for the French Ambassador, who wished to leave behind him a worthy memorial of his residence at Rome. It is now unfortunately placed in a very bad light, and much of the beauty of its forms is therefore concealed; but its dignity, its purity of style, and deep religious sentiment, every one can see and appreciate, and it is for these qualities that we may place it above all his Christian works. Compare with it the statue of our Lord in the church of

Santa Maria sopra Minerva. It is like an academy study converted into a Christ. Its modelling and display of anatomical knowledge may be worthy of all praise, but affectation and want of dignity are faults which can never be forgiven in a work of religious art. The Moses at S. Pietro in Vincoli has certainly no want of dignity, and is not devoid of religious sentiment; but it impresses one chiefly with the idea of a magnificent giant or Jupiter, and has an expression of ferocity which should hardly be the characteristic of the great ruler who so often saved the Israelites by his prayers from the summary vengeance of the Almighty.

Mr. Perkins considers that—

'its vagueness of meaning, which has so often been called a defect, is in one sense a proof of power in the sculptor; since though neither receiving nor teaching the law, Moses impresses us as the mighty leader of a chosen people, worthy to carry out the decrees of the Most High.' (Vol. ii. p. 41.)

The tombs of the Medici, although in some respects the grandest works of the Renaissance, are too pagan in sentiment, or rather one should perhaps say, too far devoid of Christian feeling, to be received as models for monumental sculpture. In them, as in almost all his works, Michael Angelo is to be admired and wondered at, but not imitated. He was a magnificent exception to all rules of art, and those who will not admit that as such he proved their truth, may at any rate allow, when considering the vicious works of his followers, that he was a most dangerous guide.

One defect of the statues of Lorenzo and Giuliano de' Medici, of which we think but little now, is the want of personal likeness to the originals, which has, according to Grimm, led to confusion as to the persons intended to be portrayed, and eventually to an exchange of names. The 'Thinker' who 'meditates, his 'head upon his hand,' is, and has been even from the time of Vasari, called Lorenzo, while the Roman warrior is always supposed to be the statue of his uncle Giuliano. But if the figures are portraits even of the characters of these men, M. Grimm must be right in asserting that they are now wrongly named. Giuliano was a melancholy man of literary tastes who hated public affairs, and eventually retired to a convent where he was poisoned, as was supposed by Lorenzo. Lorenzo was a brave and ambitious man, who led in person the attack on Monteleone, when he took the Duchy of Urbino which had been given him by the Pope from the reigning Duke. A comparison of these facts with the statues, and the want of any portrait to confirm the popular nomenclature, is sufficient to satisfy us of the

justice of M. Grimm's proposed change of names; but for the benefit of hardened sceptics we will add the following passage as translated by Miss Bunnett:—

'That which stamps the figure of the Duke of Urbino—which is as it were its token—is the throat rising from the square richly ornamented opening of the coat of mail which fits closely to the breast and shoulders—power and pride are expressed in its movement. Once more casting a glance at the entire figure, we see all the good and the noble that lay in Lorenzo's character—his valour, his hope of conquering the Italian States into a kingdom for himself—this statue contains it all; and whoever contemplates it, and afterwards reflects upon the man himself in his various fates, will most easily solve the question, What is to be understood by idealizing a person? An artist who wishes to produce the ideal of a man, takes hold of the enduring value he possesses, adds to it what he himself is as a man and an artist, and out of this founds a new creation.' (Vol. i. p. 448.)

This prescription for ideal creations has not much to do perhaps with the question as to the identity of Lorenzo de' Medici's statue, but we have copied it for the use of our artistic readers, and as a specimen of the style in which the book is written.

Having given M. Grimm's remarks on the 'Warrior,' we trust that the numerous admirers of the 'Thinker' will not accuse us of any disrespect to the finest statue of modern times, if we quote part of what he has said in its praise:—

'M. Angelo, whose overflowing nature sought an outlet in one manner or another in each of his works, knew how, in representing repose, to elevate it into a state of infinite duration, just in the same way as he understood how to raise the action of a figure into bursting vehemence. The sibyls and prophets exhibit this in his paintings, Giuliano's statue in his sculptures. Yet the figure of the Duke de Nemours expresses something utterly different to the colossal men and women of the Sistine Chapel. There investigating reflection was represented, every thought flowing towards one point, the highest contemplative work; in Giuliano the thoughts are divided, the mind is absorbed in an indefinite feeling just as if he intended to show that death was a deliverance for him from long sad sickness. He sits as if he had gradually turned to stone.' (Vol. i. p. 450.)

It is impossible to read these observations of our German author without a feeling of regret that Michael Angelo had not the opportunity of making a statue of Lord Burleigh, and expressing the full meaning of his celebrated nod in marble. But we are joking in church; let us return to Mr. Perkins and be serious. He has not succeeded in suggesting any new or reasonable interpretation of the figures of Night and Day—Aurora and Twilight, which recline upon the sarcophagi. The

explanation that Day and Night were intended to 'typify the 'glory of Giuliano limited only by the confines of the earth,' does not appear to satisfy Mr. Perkins, and is not likely to succeed better with anyone else. The suggestion that the four statues are 'emblematic of the brevity of human life which is 'marked by their rapidly succeeding divisions' is better, and is probably the best that those who seek to know their meaning are likely to get. M. Grimm has not failed to improve the occasion, but we will spare our readers his remarks. In truth, these statues are examples of that grand vagueness which characterises many of Michael Angelo's finest works. Like a prophet he brought forth things inspired, majestic, and terrible, which were but half understood by those to whom he addressed them, and which he could not have himself explained. His works, if we may be allowed without the charge of irreverence to make the comparison, resemble some of those passages in the poetical books of the Old Testament which strike us by their grandeur and fill our imagination with sublime ideas, but to which we affix no precise meaning. The beauties, however, of vague inspirations cannot be imitated; such imitations are extravagant inanities. Michael Angelo was too great not to be admired, and too much admired not to be followed; but as his flight was too lofty for other mortals, the efforts of his imitators were ridiculous, and their works make us feel, as Mr. Perkins says, 'that art paid dearly for Michael Angelo.' That it would have been better for sculpture had he never lived may, however, be doubted. He was not the corrupter of a pure age—it was not he that sowed the tares; many of them had grown old before he appeared; but he taught men to despise the wheat, and on his authority they reared crops of weeds.

In taking leave of Michael Angelo as a sculptor, let us remind our readers that the Kensington Museum possesses a Cupid executed by him for Jacopo Galli, a Roman banker, when he was about twenty-four years old, and which is considered to be one of his best imitations of the antique. It contains also a number of his models in wax which belonged to the Gherardini collection, and are of great interest. Raphael must not be denied a place amongst the sculptors of this period, though his works are few in number and somewhat doubtful; but we know that he sculptured a young boy in marble which is supposed to be the figure now at Down Hill in Ireland. Also, that he designed and superintended the execution of the Jonah in the church of Santa Maria del Popolo at Rome. Its superiority to the Elias in the same church, which he may have

designed, but which was completed by Lorenzetto, with whom he was working, makes it probable that it was actually finished by Raphael himself, while there is every reason to believe that the terra-cotta model for this statue in the Kensington Museum is from his hand. Michael Angelo's principal pupils were Raffaello da Monte lupo and Montorsoli, who, though they both produced original works, were chiefly occupied in carrying out those designs of their master which his various and harassing engagements did not permit him to execute or personally superintend.

One of the most agreeable chapters in Mr. Perkins's book is perhaps that which treats of Benvenuto Cellini. His varied life and accomplishments, the times in which and the people with whom he lived, his vices, his virtues, his crimes, his inordinate conceit, and his autobiography, furnish excellent materials to an author. His artistic productions were so celebrated and so numerous, that though but few authenticated examples now remain, every fine piece of cinque cento goldsmith's work is attributed to him. This class of work is unfortunately the most perishable of all that art produces. The intrinsic value of the metals and stones have brought to the melting pot or the jeweller in times of distress hundreds of pieces, the beauty of which was really in their workmanship and design, while the worthlessness of canvas and marble has preserved nearly all the pictures and statues now extant; those that are lost have perished from violence, accident, or neglect. The despotic requirements of fashion have also done much towards destroying works of art in jewellery. However much 'real old' ornaments may be admired, 'old-fashioned' ones are not tolerated, so they are altered over and over again to suit the prevailing taste, and we only wonder how any ever contrive to reach the age at which they are again valued.

Cellini's reputation as a sculptor rests chiefly upon the statue of Perseus, at Florence, of the casting of which he gives so lively an account in his autobiography. In spite of certain defects of proportion it is a noble and spirited statue, and though not as he thought superior to anything that had been or could be made, may fairly claim a place in the first class of modern imitations of the antique. Cellini, after finishing the Perseus, proposed, with remarkable assurance, to make two bronze gates for the Duomo, and expressed his willingness to receive nothing for them if they did not surpass those of Ghiberti. Unless he had also been appointed to judge of their merits, he would have been sadly out of pocket by the transaction, for the specimen he has left us of his work in bas-relief on the pedestal of the

Perseus, though beautifully executed, is deficient in all those high qualities which distinguished the panels of Ghiberti.

The only other Tuscan sculptor of real talent among the successors of Michael Angelo was John of Bologna, a Fleming by birth, who owed his artistic education to Florence. His best work, the Mercury, is known to everybody from copies and casts. His marble group of the Rape of the Sabines is also celebrated. It was originally a mere study in marble of a man carrying off a woman, and was named after its completion. John of Bologna's bas-reliefs upon the doors of the cathedral at Pisa show his great inferiority to the earlier Tuscan masters in that branch of sculpture. He was assisted in his very numerous works by a large number of pupils, and being superior in talent and purer in style than most of his contemporaries, may have done something to retard the decline of Art, but nothing could have then stopped it. A decline of Art caused by ignorance or barbarism may be checked at any moment by the appearance of some commanding genius; but that which springs from false principles and technical vanity must run its course till the world, sick of pedantry, affectation, and display, seeks an agreeable change in simplicity, feeling, and truth.

With this artist, Tuscan sculpture may be said to have come to an end, and we will take our leave of it with the hope which Mr. Perkins expresses, 'that the future which seems to 'promise so much for Italy, the second country of all who love 'Art, has regeneration in store for sculpture also, and that with 'laws, letters, and other arts, it may again rise to the level of 'its former glory.' We cannot, however, conclude this article on Tuscan Sculpture without once more mentioning the collection in the Kensington Museum, to which we have had frequent occasion to allude. It is, we believe, chiefly to the knowledge and industry of Mr. J. C. Robinson that we owe the numerous and valuable specimens of this style of art which have there been got together, and which enable Englishmen to study it better than can be done in any other country than Italy, and more easily and conveniently than can be done even there. His illustrated catalogue, the title of which we have placed at the head of this article, contains short notices of the various sculptors and their principal works, and thus forms not only an excellent handbook to the sculptural portion of the Museum, but also a most useful book of reference. Let us hope that this book, and Mr. Perkins's more extended work, may lead our sculptors to the study of their Tuscan predecessors both here and in Italy.

ART. IX.—*Méditations sur l'Essence de la Religion Chrétienne.* Par M. GUIZOT. Paris: 1864.

IF any one, fifty years ago, had hazarded the prediction that during the latter half of the century then just begun, Theology, of all subjects in the world, would form the most interesting matter for discussion, even among the laity; that it would be treated with respect even by that supercilious class whom it was then the fashion to term *philosophers*, and would be written upon with warmth and earnestness by men of distinction in various departments of practical life,—such a prediction would unquestionably have been received with derision, and its author accounted a victim of some peculiar kind of pious imbecility. Yet the prediction would have been a true one. For, not to mention innumerable theological laymen of inferior calibre, who have been tempted by the supineness of the armies of Israel to take sling and stone against the common foe, we have lately seen men of such mark as the Duke of Argyll in politics and literature, Sir Roundell Palmer in law, Mr. Froude in history, M. Renan in language, Dr. Daubeny in physical science, Mr. Gladstone in classics and finance, M. Guizot in statesmanship, and Mr. Disraeli in rhetoric, all displaying unmistakeable interest in the theological problems of the day, and bearing a part in the efforts made to solve them. And the appearance of such combatants upon the field should, we think, form no subject of apprehension or regret to the clergy. It is from without that the impetus must always come, which shall give proper motion to a merely rotating body; such as every profession alike is liable to become, if a busy and conscientious activity within its own traditional limits remain, for any length of time, undisturbed by the influence of other bodies moving in orbits of their own. It is not well that any class should be so far a privileged class, or any profession so far an established one, as to be shut off from currents of thought and life external to itself; nor can any greater misfortune befall either persons or communities, than to be shielded from criticism and saved the healthy pain of hearing what others have to say of them and their affairs.

Non tali auxilio is, we are well aware, the thought, if not the uttered protest, of some among the clergy who take what are called very high views,—but what are really very low views,—of the clerical functions and character. We are told, in spite of many years' American experience to the contrary, that the presence of laymen would ruin Convocation; we are

warned that Theology, in spite of its name, is no science * in the proper acceptation of the word; and we are taught that the grand function of the clergy, with their careful training and their vast endowments, is to keep charge of and 'maintain a 'hedge around' † a certain deposit of unalterable truths 'once 'delivered to the saints.' If so, a strong iron chest might as effectually and less expensively meet all the requirements of the case. But the fact is, that the clergy, so far from overrating, sadly underrate the loftiness and difficulty of their task. If the New Testament is to be believed, it is not a book, but a certain '*type* of teaching' which forms the sacred deposit entrusted to their safekeeping. And its safekeeping is to be secured, not by timid concealment in a napkin, but by a bold exposure to the risks of trade. And surely the guardianship of a certain *type of teaching*, the loyal maintenance of a certain direction of thought once for all imparted by the original preachers of Christianity, is a very different thing from the mere obstinate and mechanical retention of a fixed body of doctrine supposed (like Jupiter's image) to have fallen down from heaven, and leads to very different practical results. The one theory of clerical duty leads to a bold and energetic adaptation of Divine truths to modern wants; the other to a timid acquiescence in the traditions of the past about them. The one is the elasticity of vigorous life; the other is the rigidity of death. The one, full of exulting faith in the expansive forces of the germ it is commissioned to plant and water, welcomes all aid, employs all materials of growth, however unpromising they may seem at first sight, and however little in accordance with preconceived ideas; the other, trembling for the completeness of its dead but elaborately articulated system, naturally betakes itself to a policy of 'indiscri-'minate resistance,' regards every novelty with suspicion, and often, in its panicstricken rashness, repels with anathemas the advancing auxiliaries of its own cause.

Now, strange to say, the latter and not the former is the policy to which several of the leaders of opinion in the Church of England at the present day seem to have given in their adhesion. The authorities of the Roman Court are only following long-established precedent and obeying the instincts of men trained from childhood 'jurare in verba magistri,' when they

* Mansel, Bamp. Lect., p. 257.

† This was the favourite phrase of the Jewish scribes, when their rational respect for their Scriptures was gradually degenerating into that senseless superstition about them which led eventually to the rejection of Christ.

hunt down the author of 'Le Maudit,' silence their Döllingers, Montalemberts, and Newmans, discountenance the Munich Congress, extinguish the 'Home and Foreign Review,' and crown the work by an Encyclical brief. But how the members of any Protestant Church, and, above all, how the clergy of the most highly educated and hitherto the most unfettered Church in Christendom, can quietly acquiesce in a similar policy, follow so obviously false a lead, and (strangest of all) co-operate in forging gyves and fetters for their own hands and feet, is to us perfectly inconceivable. If there is any truth which the long course of the Church's history has unequivocally determined, it is this: that fairness and generosity in dealing with ecclesiastical questions are not clerical but lay virtues; and that whenever some disastrous schism has been successfully warded off, and the limits of the Church have been kept extended by a far-seeing toleration, the benefit has been due to lay interference, and not to the exercise of clerical brotherly love.

As an instance of the way in which religious laymen are likely to approach these important theological problems, we invite attention to the work of M. Guizot, the title of which stands at the head of the present article. We do not mean to say that it is by any means a perfect specimen of theological discussion. It betrays—as might reasonably be expected—a certain unfamiliarity with theological weapons, and a want of acquaintance with the previous stages of the controversy which at present mainly vexes the Church. The writer sometimes treads unsuspectingly over very hollow and dangerous ground. He is obliged to appeal to others (sometimes in a way that provokes a smile) for his critical and grammatical data; and his citations from the Bible and reviews of well-known periods of Jewish history often run to such a length as to produce a sense of weariness in the reader. Still, with all these faults, no one can open this book, and recollect the circumstances which produced it, without feeling that it is a valuable contribution to the literature of the present controversy, and without gathering from it two or three most important lessons, of no less practical utility on this side the Channel than on the other.

M. Guizot, it is well known, is a Protestant. But perhaps it is not equally well known in this country, that the Protestant community in France is feeling the surges of the same storm of controversy about the Inspiration of the Bible, which is raging here, and indeed in every other Protestant country; nay, which is even creating flaws and breaches in the compact and massive ice-crust, which seemed to guarantee the

Roman Church an everlasting Arctic peace. Unfortunately, discussions confined within narrow spaces often rise to greater heights and occasion greater violences of language and action, than those which agitate larger surfaces. And hence we fear that the Protestant Consistory at Paris has been the scene, for some months past, of far more acrimonious disputes, and a far more intensely bitter party-strife, than anything we have witnessed on the broader area of the English Church. Political feelings, moreover, long pent up would not fail, half unconsciously, to mingle themselves among more sacred interests; and we have no doubt that every shaft let fly on either side was sharpened with an ingenuity unknown to our more ponderous disputations, and made to sting with a wit of which our own Convocation will not be accused.

But *who*, it will be asked, was the object of attack? For men, rather than measures, have been the objects of kindly solicitude to consistories and convocations ever since the world began. The culprit in the present case was the assistant-pastor of the principal congregation in Paris, M. Athanase Coquerel, jun.,—a clergyman of unimpeachable character and a preacher of first-rate ability. His crime was a personal friendship for, and strong indications of sympathy with, M. Ernest Renan. For some time, M. Guizot, as a leading member of the Consistory, refused, we believe, to concur in the withdrawal of his license from a bold and able preacher, whose departure from the recognised standards of faith had not as yet been clearly proved. But at length—M. Coquerel's frankness disdaining all disguises—it appeared too clearly that his theological views had diverged beyond hope of reconciliation from the traditional orthodoxy of French Calvinism; and M. Guizot, in February 1864, finally acquiesced in his dismissal. It is only fair to add, on the one hand, that, with every temptation and facility for so doing, M. Coquerel has hitherto abstained from setting up any rival pulpit in Paris; and, on the other hand, that the decision come to by the Paris Consistory must be taken as the voice of the majority of the Protestant body in that city,—since every member of every congregation has a voice in its election, and it is composed of lay as well as clerical representatives. We say the *majority;* but the ascendancy of the orthodox party in the Consistory has in truth been established by very few votes, and their opponents constitute a body of almost equal power. To the surprise of every one, M. Guizot himself, certainly the most eminent member of the French Protestant body, was not at first re-elected to the post he had so long filled with great zeal

and dignity in the conduct of its affairs. A subsequent election has repaired this injustice, but by a majority of only ten votes over a candidate of very inferior pretensions. We must, therefore, conclude from these facts that opinion is very nearly equally divided in the principal Protestant Churches of Paris on the questions in dispute, and we believe that similar differences exist in other parts of France.

Meanwhile, amidst the din and heat of these painful disputes, it seems to have occurred to M. Guizot,—as it must occur to every impartial bystander,—that the real merits of the question were in imminent danger of being forgotten; and that, however important may be the problems under discussion, and however vital to the Church the crisis through which she is passing, no advantage to truth can possibly accrue from mere personal recriminations or vindictive litigation, except the doubtful advantage of spreading far and wide (among classes who are little capable of profiting by it) a knowledge of the scandals and difficulties of the case. The truth must be maintained, if it is to be maintained at all, not by expulsions but by arguments. Deeply impressed with these maxims of sense and experience, M. Guizot has, in the work of which the volume under review is the first instalment, endeavoured to recall attention to the *ideas*—as distinguished from the persons—which are in conflict amid the present controversies.

'In the work whose first part is here given to the public, I leave entirely on one side these personal and local questions. It is with the Christian religion, its essential characteristics, its fundamental beliefs, and the just claims of those beliefs upon mankind, that I wish to occupy myself. It is the truth of Christianity that I would bring out into clear relief, by contrasting it with the systems and the doubts that are set up against it. I shall, therefore, decline all hand-to-hand and personal encounters. Personalities only embarrass and embitter controversies. For either ruse or insult is sure to be resorted to; and for both of these false methods I feel an equal antipathy. Ideas only shall be my enemies: and let the ideas be what they may, I am quite ready to admit the sincerity of those who hold them. Apart from these conditions, all serious discussion becomes impossible; and sincerity is compatible with intellectual error of the grossest kind and of the saddest practical issue.' (P. xxii.)

The book consists of a preface and eight chapters, or 'Meditations,' on the following subjects:—I. The Problems of Natural Religion. II. The Five Fundamental Dogmas of Christianity. III. The Supernatural. IV. The Limits of Human Knowledge. V. Revelation. VI. The Inspiration of the Scriptures. VII. God as represented in the Bible. VIII. Jesus Christ as represented in the Gospels. Of these by far the most important

and interesting portions appear to us to be the Preface and the chapter on Inspiration. Of course we judge from an English point of view. For it is abundantly clear, from the acclamations which have greeted M. Renan's 'Vie de Jésus,' and from many other symptoms, that the *début* of theology upon the popular stage has been a far more startling phenomenon in France than in England, and far more hazardously unprepared for,—owing, no doubt, to the Roman Catholic system of withholding the Scriptures from the people. Addressing, therefore, not merely the Protestants, but the French public, M. Guizot perhaps felt bound to give quotations at length, where in England an allusion would have sufficed; and to argue out in full detail points which with us may be considered settled by general consent. For example, we think that the attention given to a 'religion 'of mere sentiment,' in his first chapter, would be hardly needed in a treatise written for Englishmen. Our temperament is little adapted to a religion of 'beautiful and vague aspirations, 'which are styled the poesy of the soul, beyond and above the 'realities of life' (p. 6). We are most of us too grimly in earnest—too *triste*, as old Froissart would say—for that; and those who think seriously about religion at all are seldom content, unless they can think it out into some definite and concrete shape, analogous to the other realities of our busy life.

With regard to the chapter on 'the Supernatural,' we think that a more calm and dispassionate treatment of the subject would have been more successful. It is of no use to be angry with scientific men: they are a stiff-necked and impassive generation. It is of no use to cry 'Nous voici en 'plein Panthéisme, c'est à dire en plein Athéisme!' (p. 105); for the reply is ready, 'You theologians must see to that.' It is of still less use to appeal to what Tertullian calls the 'testimonia animæ naturaliter Christianæ,' and to say that 'the instinct of the masses has ever sought and found some-'thing beyond nature' (p. 93): for the appeal would most certainly be refused. And least of all is it of use to set up, with Mr. Disraeli, a scarecrow minatory of what is to happen if belief in the supernatural should be given up,—a terrible lay-figure of 'superstition elevated on the ruins of religion' (p. 96), or, in the eloquent words of our newly-discovered church-leader, of 'opinions the most absurd, and ceremonies the most 'revolting—qualia demens Ægyptus portenta colat—perhaps 'to be followed by the incantations of Canidia and the Cory-'bantian howl.'* No: these things are worse than useless,

* Speech at Oxford, Nov. 25, 1864. It cannot of course be supposed that Mr. Disraeli would take up any rhetorical ornament at

for they make a good cause ridiculous. But what would be of use, we venture to think, is this: to point out to scientific men that this question is, in great measure, a question of words; and that what they mean by Nature and what theologians mean by Nature are not the same thing. In scientific language the word means the whole vast *scheme of things*, never broken through by the unnatural, whatever unexpected phenomena may appear; so that even miracles, if historically true, are within and not without the realm of God's reason, order, and law. But among theologians the word 'Nature' means something less extensive than this, viz. the merely dead and unreasoning *mechanism* of the universe, viewed apart from that Divine and personal will which has set it and keeps it in motion. Hence Science cannot use the word 'supernatural;' while Theology can. If by 'the supernatural' is meant the merely arbitrary, the result (so to say) of a mere *fit of volition*, an abrupt move, unprepared for, extraneous to God's great realm of order, not amenable to that universal reason which permeates and gives harmonious unity to all things,—we do not believe that any thoughtful divine would maintain such a thing for a moment. But if by 'the supernatural' be meant merely some action of the Supreme Reason transcending the experience of man's ordinary reason, and causing a certain long foreseen event to occur at a given moment, by the interweaving (so to say) of secondary causes in the web of time,—then we do not believe that any thoughtful man of science would object to the word. The miracle becomes nothing more than the meeting place of certain converging lines of causation, at a certain moment of time eternally foreseen; and the whole problem becomes a mere question of history,—'Did the event really 'happen?'

And now, leaving these few points in which we have felt compelled in some degree to dissent from M. Guizot, we turn

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second-hand; but by a curious accident, his scarecrow is dressed up in a cast-off illustration belonging to an ancient member of his own party. For Philo—a distinguished Jewish upholder of the fashionable Oxford opinions—thus throws light upon certain theories of Inspiration, from his own experience: 'It has happened to myself 'that, coming empty to a place, I became suddenly full,—thoughts 'thick as snow pouring down invisibly on me from above; so that, 'carried away by enthusiasm, I felt a *Corybantian* frenzy (Κορυ-'βαντιᾶν), and knew neither where I was, nor who were present,—'forgot myself, what I had said, and what I had written.' (*De Migratione Abrahami*, i. § 7.)

with pleasure to the two important passages where we in the main heartily agree with him. The first of these is the Preface to his book, where he takes a general survey of the true policy of the Church amid its present controversies. His own position amid those controversies is, first of all, thus clearly described:—

'With regard both to Christianity as a system, and to each one of its essential doctrines, I have felt the weight of objections, I have known the anxieties of doubt. I will now say why my doubts have passed away, and on what my convictions are founded.' (P. xviii.)
'Thirty-four years of my life were passed in struggling, upon a noisy arena, for the establishment of political liberty and the maintenance of a legal order. I have learnt amid the labours and trials of that conflict, what is the value of Christian faith and Christian liberty. May God permit me, in the repose of my present retreat, to consecrate to their defence whatever time and strength He may yet grant me!' (P. xxviii.)

And the question with which he begins is this:—

'I issue forth from the midst of a civil society, where different religious beliefs are, at the present day, bound over to keep the peace towards each other; and I enter into another, itself a religious society, the Christian Church of our day. How is it conducting itself, in the great controversies that it has to sustain against the freedom and hardihood of human reason? Is the nature of the conflict well understood? Is the conflict itself well conducted? Is any advance being made towards the re-establishment of a true peace, and of harmonious action between the Church and general society in the midst of which it lives?' (P. viii.)

Questions like these are being asked at the present moment in other countries besides France; and with an interest corresponding to the untold issues that wait upon the answer. In Italy the answer may be considered as definitely given by the Pope's recent Encyclical Letter,—a proclamation of internecine war, which can only 'pave the way for a true peace,' by bringing many stages nearer the downfall of one of the two combatants. In Germany, perhaps, the present attitude is one of armed truce. In Roman Catholic France the conflict is suspended for the moment, by the absence of M. Renan in the East, and by the late tremendous explosion of a religious novel within one of the combatants' entrenchments. In England, and — characteristically enough — on the arena of her law courts, the conflict is actively going on; and it is well, therefore, that we should hear from a calm and statesmanlike mind, what are the principles upon which alone it can be brought to an end and peace permanently re-established.

'Religious liberty,—that is to say the liberty to believe, to believe variously, or not to believe at all,—is perhaps still imperfectly accepted and guaranteed in certain countries; but it is quite manifest that its tendency is to become general, and that it will be ere long the common law of the civilised world. One of the causes which render this fact so important is, that it does not stand alone: that it is only a unit in the great intellectual and social revolution which, after a fermentation and preparation of many centuries, has broken out and is accomplishing itself in our days. Science, democracy, and freedom—these are the essential characteristics and the inevitable tendencies of this revolution. These new powers may fall into enormous errors and commit enormous faults, for which they will have to pay dearly: but they have definitively established themselves in modern society. . . . Here, then, are the dominant realities, to which all public institutions must find means to adapt themselves, and with which all authorities in the moral sphere have urgent need to live in peace. The Christian religion enjoys no exemption from trials such as these. It will surmount them, as it has surmounted so many others. . . . But it is of infinite importance that Christians should cherish no illusions as to the struggle that is before them, as to its perils, or as to the weapons which they ought to employ. . . . Past injustice and suffering are not easily forgotten. Terror is no skin-deep affection. The memories of religious persecution are still alive, and decide a multitude of waverers to measures of alarm and hostile precaution. The Christians, on the other hand, find difficulty in accepting and accommodating themselves to the new state of things: they are every instant shocked, irritated, frightened, by the ideas and the language which float naturally to its surface. The transition is not easy, from a state of privilege and domination to a state of common rights and of liberty. . . Yet they too must embrace the necessity laid upon them; and they too will find out that, at the present day, nothing else than free discussion and the fullest exercise of the liberty that is now guaranteed to them, can supply the force wherewith to surmount their perils, and—if not to silence—at least to render harmless the fury of their foes.' (P. iii.)

'Our modern society, it is true, is very far from being Christian; but it is none the less true that it is not anti-Christian. Taken as a whole, it cherishes no hostile feelings against Christianity; nay, it has retained Christian habits, Christian instincts,—I had almost said, Christian aspirations. . . . But in pursuing their pious and salutary work, let not liberal Christians flatter themselves that their success will be either speedy or complete. They will maintain, they will propagate, the Christian faith. They will not suppress in the bosom of modern society incredulity and doubt. They must learn, while combating these evils, to bear with their presence. For the reign of liberty is, by its very nature, a mixture of evil and good, of error and truth.' (P. xix.)

That this view of the state of modern society is sound, and

marked by a far-seeing wisdom, no one who is even moderately competent to form a judgment on the question will deny. Science, Democracy, Freedom,—these are the household words of modern Europe. In expanded forms they fill the columns of every newspaper—Tory as well as Radical, 'religious' as well as infidel; for no one can escape breathing the atmosphere of the day. The only question is, how fast or how slowly, with what checks or what aids, amid what joyful sympathy or what ill-concealed dislike, the great social tide-wave is to advance. And if in one quarter, and one alone, ineffectual and ill-judged attempts are being made,—not to direct and utilise and govern,—but absolutely to exclude the rising waters, let it not be said it is the Church that is in fault. The fault is rather with those that happen to be the temporary spokesmen and officials of the Church—men, for the most part, belonging to the past generation, and between whom and the great mass of thoughtful laymen a silent revolution of ideas is threatening to create a chasm as wide as that which separated the French noblesse of 1789 from modern France. It must assuredly be so if the present senseless policy of 'indiscriminate resistance' be persisted in. But where, then, is the old astute policy of Churchmen? What has become of that assimilative energy by which the germinal fact of 'Christ crucified and risen' found its means of exposition and materials for growth, successively in the current Jewish ideas of the first century, then in the Platonism of Alexandria, next in the Aristotle of the Arabs, and once more in the rich soil of Classical revival,—yet which now (forsooth) is to shrink exhausted and effete from the far richer promise of the modern physical, and historical sciences? Is the Church, that converted to her own use in the fourth century the resources of the grandest empire that time has yet witnessed, and bent to her purpose the proud masters of the ancient world, unable to bend to her purpose the science and criticism of the present day? Shall Benedict, in the sixth century, adapt with a free hand the monasticism of the East to the altered circumstances of the West? Shall Gregory, the pope, bid Augustine, the monk, collect 'whatever he has found pleasing to God either in the Roman, the 'Gallican, or any other Church,'* and incorporate it among the customs of his converts? Shall so vast a cataclysm as the invasion of the barbarians only leave the Church mistress of Europe—the Crusades only put into her hand the new weapon of the scholastic philosophy—the threatening fanaticism

* Bede, b. i. chap. xxvii.

of the twelfth century be moulded into the most useful of auxiliaries in the mendicant orders—the revival of learning become the reformation of religion; and after all these experiences of the living power that resides in the Church to leaven and consecrate to highest uses the thoughts and movements of every successive age, shall it be reserved for our own age to see the Church swerve from her appointed task, throw overboard with precipitation, 'like a loaded shell,' the problems she has to solve, and follow the disastrous lead of men like Dr. Pusey, who can see in modern controversy nothing but 'a 'tide of scepticism,'* a 'rebellion' against God †, a proposal of a 'deadly peace,' an 'apathy of despair'?‡ or of the present occupant of the Papal chair, whose recent Encyclical Letter displays the same amazing inability to discover, in the seething thoughts of earnest men in the present day, anything better than 'a horrible tempest, stirred up by so many erroneous 'opinions,' and an 'endeavour to abolish all virtue and justice, 'to deprave the souls and minds of all men, and especially to 'pervert inexperienced youth from uprightness of morals'? §

Neither Dr. Pusey nor the Pope, it is evident, has the slightest intention of learning from the nineteenth century the great lesson of *toleration* which, in M. Guizot's opinion (and not in his opinion alone), it is expressly commissioned to teach. The thunders of the Vatican and of Christ Church alike warn us what we are to expect, if any one—except the Pope and Dr. Pusey—venture to think for themselves, to entertain a suspicion that 'the method and principles by 'which the old scholastic doctors cultivated Theology are no 'longer suitable,' ‖ or to dispute the proposition that 'fixed-'ness of creed is strength, *because* it is fixedness in the truth 'of God.' ¶ Is, then, the stubborn fixedness of the Jew to be thus described? Is the resistance of Mahometanism to the efforts of our missionaries a 'fixedness in the truth of God'? Or, is Brahminism divine because unchangeable? Is truth to be measured by obstinacy? and the well-worn artifice to be played off upon us once more, of arguing the truth of certain theories because they are '*the* truth'? We are persuaded that the time is not very far distant, when the Church will throw off with indignation such guidance as this, reject the pilotage

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* Daniel the Prophet, Preface, p. i. † *Ibid.*, pp. 57, 563.
‡ *Ibid.*, p. xxxi. § Encycl., p. 1.
‖ Encycl., Syllabus, No. 13.
¶ Case as to the Legal Force of the Judgment *in re* Fendall *v.* Wilson, Preface, p. xv.

which abroad has stranded her so ludicrously upon the rock of Ultramontanism, and in England committed her to such blunders as the Essays and Reviews prosecutions, the Evangelico-Tractarian alliance, and the clamour for a 'Spiritual' Court of Appeal.

It only remains that we give some account of M. Guizot's treatment of the most interesting of all these new questions at the present day,—a question which our great Oxford master of anathema approaches amid a running fire of vituperation hardly equalled in the annals even of theological warfare, but which M. Guizot deals with as a calm thinker and a Christian gentleman might be expected to do. The question at issue—we shall be pardoned for reminding our readers—is *not* 'whether the Scriptures are inspired,' but 'what precisely 'is *meant* by their Inspiration.' All parties of whom at present we need take any account are agreed as to the *fact.* All recognise in the Bible a something, which renders it—'unlike any 'other book'—* the religious lesson-book for humanity †, a casket in which 'God has treasured up for us infallible truth, 'the food of our souls and the glory of our being—truth, 'lasting as the rocks and eternal as the heavens.' ‡ All, whose moral being bows down to Christ and owns in Him its Chief and Lord, value as the most precious inheritance of mankind the Old Testament, which narrates the preparation of the world for Him, and the New Testament which contains all the extant remains of His own and His Apostles' teaching. As through long ages of ignorance and confusion the slabs of Nineveh were kept concealed beneath the mounds of Mosul, over which the tide of battle and migration passed unconsciously to and fro,—as amid the dust of centuries there slept unopened, at Athos, Sinai, the Nitrian monasteries, precious MSS. reserved for a later age of eager curious inquiry,—and as Nature herself lay, an open secret, with all her countless wonders, 'a mystery hidden from ages and from generations, 'but now made manifest,' § just at a period when the discovery could be best appreciated and turned to best account,—so it seems to have been with the Holy Scriptures. For ages, buried safely beneath the unintelligent reverence of Jewish and Christian Churches, no jot or tittle changed, and watched by the scrupulous and jealous eyes of mutually hostile sects,

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* Prof. Jowett in E. and R., p. 377.
† See Ewald, Geschichte, v. 103.
‡ Westm. Review, Jan. 1861.
§ Col. i. 26.

this Sacred Book has been handed down to a period which could really decipher its pictorial and once mysterious language; could convert not merely to the purposes of Faith, but of a really scientific Theology, its precious contents; and restore from its abundant quarries the half-ruined and crumbling temple for man's worship of his Maker. For there cannot be the slightest doubt that the most urgent need of this age is a Restoration of Belief. And if, in God's Providence, that restoration has in these days been rendered possible without destroying one glorious arch or mutilating one detail of the noble plan, but simply by a bold and honest application of the knowledge and materials that He has given us, we leave it without hesitation for an age like our own—characterised by faithful restorations—to decide whether reverence for the mere whitewash of an unauthorised theory about Inspiration shall put a stop to a work, which is God's work if there ever were one in this world.

Words and theories like these are indeed useful in their time. They serve to bridge over the vast gaps in human knowledge and to withdraw from premature inquiry many deep and subtle questions over which the road of daily life must pass, whether we are conscious of their existence or not. But it is as true now as ever it was, that 'the letter killeth.' A mere word, surviving its period of usefulness, may tyrannise over whole generations of men. The word 'Mosaic-'law,' for instance,—once equivalent to the privileged possession of Monotheism, a pure code of ethics, and an emancipation from an excessive awe at Nature,—after carrying the Jewish people bravely through many a hard struggle and bloody national martyrdom, at length on the lips of Pharisees stiffened into a mere barrier of 'indiscriminate resist-'ance' to everything new, even to the Gospel itself. Again, the word 'Transubstantiation,' after maintaining throughout the rude and corrupting middle ages a salutary respect for sacred rites which would otherwise have been trodden under foot, at length on the lips of Inquisitors became the shibboleth that brought the best and noblest men of the sixteenth century to the stake. And the list of such tyrannous *words* might be extended to almost any length: words whereby originally honest but imperfect thinkers gave currency to some theory practically useful for their time, but by which later and more 'degenerate 'souls' tried timidly to cramp independent thought and to repel inquiry with the cynical reply, 'People that ask hard 'questions must expect hard answers.'*

* Tracts for the Times, No. 90, p. 58.

The permission, however, of those whose bounden duty it is not merely to baffle people — like grown-up children — with 'hard answers,' but to explain those answers, is not likely in these days to be asked before proceeding to inquire more closely what it is precisely that these words mean. And as for the inquiry what this word 'inspiration' means,—it is one which the English clergy, above all other men, as persons who have solemnly undertaken before God and man 'to banish and drive 'away, with all faithful diligence, all erroneous and strange 'doctrines contrary to God's word,'* are in honour and conscience bound to undertake.

Is it, then, 'contrary to God's word' to seek for physical science there, or is it not? Is it 'contrary to God's word' to import into it a theory of historical infallibility, or is it not? Is the notion—which some people seem to hold for incontestable†—that all arguments *ad hominem* and other forms of 'accommodation' must be denied to a divine teacher, an 'er-'roneous and strange doctrine,' or not? These questions must be answered at the very threshold of those Biblical studies to which the clergy by solemn vow, and the laity by the deep interest of the subject, are now alike invited. M. Guizot gives the following reply:—

'No one whose mind is free from prejudice can read the Sacred Books in their original languages, whether Hebrew or Greek, without often meeting amid their sublime beauties not merely with faults of style, but even of *grammar*,—with violations of those natural and logical rules of language, that belong to all languages alike. Must we say, then, that these faults are derived from the same source as the doctrines with which they are mingled, and that the former are, no less than the latter, divinely inspired? Yet this is the position maintained by certain pious and learned men. . . . In such an assertion I can only see a lamentable confusion of thought, whereby the meaning and object of the Inspiration of the Scriptures is profoundly misunderstood, and their authority gravely compromised. God has not willed in this miraculous way to teach men grammar,—nor yet geology, astronomy, geography, chronology. It is on their relations to the Creator, on their duties towards Him and each other, and on the rule of their faith and practice, that He has vouchsafed them a divine illumination. It is on Religion and Morality, and on these alone, that the Inspiration of the Scriptures has any bearing.' (P. 154.)

This reply has, indeed, often been given before; as, for instance, not only in 'Essays and Reviews'—'It could not have

* Ordination Service.

† E.g. Dr. Pusey, 'Sermon on Everlasting Punishment,' p. 25.

'been the object of a Divine revelation to instruct men in 'Physical Science' (p. 250)—but also in 'Aids to Faith,' which was written in reply to them—'It is a question on which we 'may safely agree to differ, whether or not every word, not 'only doctrinal, but also historical or scientific, must be in-'fallibly correct and true.' (Bishop Browne, p. 317.) Nay, it is given by implication (as M. Guizot justly remarks) in that very passage of Scripture which is most often quoted in support of the opposite view: 'All Scripture is given by 'inspiration of God; and is profitable'—for what?—'for doc-'trine, for reproof, for correction, for instruction in righte-'ousness' (2 Tim. iii. 16):—not for instruction in science and history.

But to all this an objection is raised: and it is one which appears to us of sufficient weight to deserve a more careful reply than M. Guizot has given to it.

'If, on the one hand (it is urged) you admit the inspiration of the sacred books; yet, on the other, allow that this inspiration is not entire and absolute,—who is to make the selection between the two? Who shall draw the line where inspiration stops? Who is to say what texts, what passages, are inspired, and what are not inspired? To divide in this way the sacred books, is to rob them of their superhuman character; it is to destroy their authority, by abandoning them to all the uncertainties, all the disputes, of men. An inspiration that is complete and constant can alone command our Faith.

'Yes,—such is the everlastingly repeated demand of human weakness! Created intelligent and free, man would fain use to the utmost his intelligence and liberty; and yet at the same time, feeling his weakness and insufficiency, he invokes a guide, a support—and that support he hopes for must needs be, forsooth, immoveable and *infallible*. He seeks some fixed point to which he may attach himself with an absolute and permanent security.' (P. 157.)

The allegation is, no doubt, perfectly true; but it hardly appears to us to answer the objection. Mankind assuredly do for ever cry aloud to Heaven for some 'infallible' guidance. What they crave for is something definite and tangible—some oracle, some pope, some priest,—to which they may run for help under every conceivable doubt or difficulty. And when from oracle, pope, and priest they are successively warned off, and directed to a *Book* as the infallible thing they seek, they have surely a perfect right to ask, and to expect a clear answer to the question, whether the book is infallible wholly or in part, and if in part—in which part.* It seems to us perfectly impossible to arrive at any solution of these and a hundred other

* Cf. Abp. Longley's Pastoral, p. 6; and Abp. Thomson's, p. 10.

difficulties, so long as the gross and mechanical notion is maintained, that Inspiration is in any way—wholly or in part—equivalent to Infallibility. We do not believe that there is any such thing to be hoped for as absolute infallibility in this world. Indeed, it is not easy to see how such a thing would be compatible with that moral probation in accepting or rejecting the truth, which experience indicates to be our lot on earth, and which the Bible itself distinctly teaches. 'Religion 'presupposes in all those who will embrace it a certain degree 'of integrity and honesty, which it was intended to try whether 'men have or not; and to exercise, in such as have it, in order 'to its improvement.'* 'If any man will *do* His will, he shall 'know of the doctrine, whether it be of God.' (John vii. 17.) And this rejection of an absolute infallibility need not in the slightest degree interfere with an almost unlimited reverence for Scripture, as the Church's lesson-book and standard of appeal. 'The fatal error of the Romish Church,' as Coleridge long ago pointed out, 'did not consist in contending for a *practical* in-'fallibility of Council or Pope, but in laying claim to an *abso-'lute* immunity from error, and consequently for the unrepeal-'ability of their decisions.'† And so the capital error of Protestant theology has not been its *practical* reverence for Scripture in making it the final standard of appeal, but its *theoretical* exaggerations about the degree and method of its infallibility.

From these exaggerations, however, the symbolical books of the Church of England are singularly free. So far is she from being entangled in the extravagant dogmatic statements put forth by other Protestant bodies on this subject, that her Articles are positively free from all dogmatism whatever, about either the nature or extent of Bible Inspiration. While the Swiss Confession states the Bible to be 'itself the true Word 'of God;' the Belgic 'the naked truth of God;' the French 'the summary of all truth;' the Augsburg 'the pure Word of 'God;' the Declaration at Thorn, 'the infallible and perfect 'rule;' and the Swiss Consensus, 'a code inspired, not only in 'its (Hebrew) consonants, but even in its vowel points; and not 'only in its matter, but even in its words;'—in striking contrast to all this, the English Articles, written at the same time, and amid an atmosphere redolent of such language as 'the most 'certain and infallible words of God,'‡ 'the most certain and in-

* Bp. Butler, Analogy, Part ii. chap. viii.
† Notes on English Divines, vol. i. p. 17.
‡ Institution of a Christian Man, A.D. 1537.

'fallible truths of God's Word,'* have not a syllable about any such theories. They simply lay down the practical rule in which all Protestants (along with Irenæus, Athanasius, Augustine, and the whole uncorrupted Church of East and West,) agree, that 'Holy Scripture containeth all things necessary to salvation: 'so that whatsoever is not read therein, nor may be proved 'thereby, is not to be required of any man, that it should be 'believed as an Article of Faith, or be thought requisite or 'necessary to salvation.' †

It will be remembered, that it was on this absolutely unassailable ground that the Privy Council based their late Judgment, in the cases of Dr. Williams and Mr. Wilson. And thus far, at least, their Judgment is supported by the opinion of the highest ecclesiastical authorities of the realm. It was there stated that 'the framers of the Articles have 'not used the word "inspiration," as applied to the Holy 'Scriptures; nor have they laid down anything as to the extent, 'nature, or limits of that operation of the Holy Spirit.' And in almost precisely similar language, the Archbishop of Canterbury writes, 'I was in nowise called upon to attempt any de-'finition of Inspiration, seeing that the Church had not thought 'fit to prescribe one' (Pastoral, p. 2). The Archbishop of York, 'The Church has laid down no theory of Inspiration' (Past., p. 10). Bishop Thirlwall, 'Our Church has pronounced 'no decision, has laid down no definition, on this subject.' (Reply to Dr. Williams, p. 84.) Bishop Browne, 'It seems 'pretty well agreed among thoughtful men at present, that 'definite theories of Inspiration are doubtful and dangerous' (Aids to Faith, p. 302); and Dean Milman, 'All the questions 'which are now so widely agitating the general mind concerning 'the origin, authorship, authenticity, integrity, and inspiration 'of the Scriptures, are not within the purview of the Thirty-nine 'Articles. Many opinions on these subjects may be erroneous. '. . . I cannot find any express, or indeed fairly inferred 'condemnation of them in the Articles.' (Speech, printed in 'Fraser's Magazine,' March 1865.)

But we may go farther even than this. A certain school at the present day, who appear to have set their hearts upon adding, by fair means or foul, a fortieth article ‡ to our present

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* Necessary Doctrine, &c., A.D. 1543.

† Article VI. on Holy Scripture.

‡ This intention is at last distinctly avowed in a most mischievous report, presented by the chairman (Archd. Denison) of a committee of *Gravamina* to Convocation, on Feb. 17, 1865. (See 'Guardian'

odd but perfectly sufficient number, are very fond of appealing to the Judgment of the Universal Church upon this point —viz., the identity of Inspiration with Infallibility. They have been challenged over and over again to point out where, except in their own Imagination, that Judgment is to be found recorded. But the challenge is made in vain. No answer, it appears, can be given. Now, we ask these men, as believers in the Divine superintendence and government of the Church, why it should not be held true *that it was under express Providential guidance that the Catholic Church, from the beginning, did* NOT *make any formal decision on this subject?* Why are we to be perpetually taught that the Church's dogmatic action has ever been under the special guidance of her Divine Head, and yet in the same breath told that where, on an important subject, she has been restrained from dogmatic statement, that restraint is a mere unfortunate accident, which is now to be redressed by a vote of the English Convocation? That restraint, that silence, is indeed most remarkable. The air was for ages full of the elements for decisions, that would have thrown the minds of thoughtful churchmen into agonising disquietude. The (so-called) Fathers of the Church undoubtedly held views of Inspiration that few educated men now can hold. For they followed implicitly the opinions of the Jews about the Old Testament—opinions which, beginning with the national reverence felt after the Captivity for their ancient Sacred Records, gradually grew in extravagance; till in the ninth century after Christ the very Chaldee Paraphrase was held sacred into the bargain, and was devoutly read in the synagogues, even where that language had become totally unknown.* Augustine, the undisputed master of all subsequent Western Theology, thought (with the rest of contemporary Christendom) that 'Christ, as the Head, dictated what the Apostles, as the hands, 'wrote:'† and that the very mistakes and discrepancies of the Evangelists were purposely inserted by the Holy Spirit, 'dividing to each man severally as He will.' (1 Cor. xii. 11.)‡ Origen, the great critic and commentator of the Antenicene

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of March 1st, Supplement.) And in a Charge which we have seen by the Bishop of Ontario, it is argued that nothing short of two additional articles on Inspiration and Eternal Punishment, passed in Synod by the Anglican Church, can save us from heresy and schism.

* Zunz, Gottesd. Vorträge, p. 9.

† De Consensu Evangg., i. 35.

‡ *Ibid.*, ii. 21.

period, speaks of the Apostles' writings as 'divinely dictated.'* Tertullian, Cyprian's 'master,' and the founder of Latin Theology, thought that 'the Apostles knew all things:'† and Irenæus, of Eastern birth and Western settlement, says that 'the Apostles had perfect knowledge,' and that the Scriptures were dictated by the Word of God.‡ In fact, we might go through all the Fathers in succession, and in every one find some statement or some indication that they believed without any doubt in the positive *dictation* of the Bible by the Holy Ghost—nay, that even the manner of this dictation was a question not foreign to their thoughts; being compared sometimes to a harp struck by a plectrum, sometimes to a flute breathed through by a player, sometimes to a distinct suggestion to the memory, sometimes to 'a sharpening of the powers of 'intuition and a brightening of the soul by contact (so to 'speak) with the Holy Ghost.'§ And yet in spite of all this, and in spite of many heresies that might seem to demand correction, remark the surprising circumstance, that no dogmatic definition of Biblical Inspiration ever took place, such as might fatally have hampered the Church of the nineteenth century in fulfilling her appointed task of throwing the full light of the sciences she has won with the sweat of her brow upon this precious heirloom of the ages—the Bible.

But perhaps it may be thought there was no occasion for any such definition, if all spoke exactly the same language about the Bible, and no one ever dreamed of using such expressions as now-a-days are supposed to cry aloud to Heaven for the severest censures of the Church. What would our modern Bibliolaters say, then, to such 'free handling' as the following: 'The Old Testament history contains some things that never 'happened, and some things that never could have happened. '. . . . In the Law are some things of no kind of use, and 'some things actually impossible. . . . . And this cha-'racter of Scripture is plentifully and abundantly impressed 'even upon the Gospels'‖—the reason being given, that we may learn to seek for an *ideal* sense 'worthy of God' (which is precisely similar to the language of Strauss); and one of the instances adduced being our Lord's Temptation (exactly as in 'Essays and Reviews'); and the question to be asked in such cases being 'what is the *tendency* of such and such a narration?'

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* De Princ. iv. 13. † De Præscr., sect. 22.
‡ Hær., iii. 1. 1; and ii. 28. 2.
§ Origen c. Celsum, vii. p. 334 (Ed. Spencer).
‖ Origen, Princ., iv. 15.

(which is exactly the question of the Tübingen *tendenz-critik* at the present day). Again, Augustine says, 'A man that 'holds unshakenly to Faith, Hope, and Charity, no longer 'needs the Scriptures. He has used them as machines for 'attaining these graces in perfection, and now no longer needs 'what is in part'* (language identical with that of Kant about the temporary employment of 'a sacred volume for conducting 'the education of our race.')† Jerome,‡ Theodore of Mopsuestia, and other Fathers of the Church, might easily be shown to handle Scripture with the same freedom; a freedom which in these days would certainly be visited by a summons before the Court of Arches, or even by a censure from both Houses of Convocation. Yet in those days no notice was taken of such liberties, no bishop censured them, no council was tempted by them to define more accurately what Inspiration meant. That broad, vague word, universally accepted, was held to cover all deficiencies; and an undoubting confession that, whatever might be found in Scripture, the Holy Ghost was the author of it all, served to justify a fuller liberty than is now conceded even to a patient investigation of the real facts of the case which the Holy Ghost has by His inspiring presence sanctioned.

It is, we think, a question worthy of the most serious attention from all those who are interested, not in the ultimate prevalence of any particular set of opinions, but in the prevalence of the truth, why it should be that less liberty of statement and inquiry is allowed to the nineteenth century than was permitted to the third or fourth. Why should a broad and shadowy notion of Divine authorship, extending even to incorrect quotations, grammatical solecisms, and positive historical discrepancies,—and therefore bristling with every sort of enormous difficulty directly it is thought out into distinctness,—hold the Fathers free to say almost what they pleased: while an equally broad and far more rational confession of a Providential superintendence, and of an elevating, spiritual presence in the churches that produced, and the men who wrote, these precious fragments that we call the Bible, does *not* warrant religious men of the present generation in saying —not, indeed, 'what they please'—but what the progress of various sciences, and especially of historical science, seems, as by a Divine voice, to impose upon them to say? For is it not the especial boast of Christianity that its basis is not a

* De Doctr., i. 39.
† Quoted in Guizot, p. 165.
‡ Theory of Religion, p. 180 (Semple's transl.).

theory but a FACT, and that accordingly its sacred books do not form a system of theology, but are simply *bonâ fide* historical and literary remains; histories that grew up for a special purpose, laws formed for real uses, prophecies uttered for a practical end, letters written for a personal and temporary object? And if this be the case, and all these *bonâ fide* documents cluster round one great Fact—the central fact of the world's history—how can this fact receive its due elucidation and its fitting homage, except through the earnest prosecution of the *historical* sciences? 'The truth that the Christian 'religion is a history, and that only as a historical fact, and by 'the light of its fifteen centuries of progress, can it be properly 'understood and appreciated, began now to make itself felt; 'and thereupon ensued a transfiguration and regeneration of 'the whole subject of Theology, which could only be completed 'in the course of many succeeding centuries, and is even now 'far from its accomplishment.'*

Accordingly, the question now at issue is a question of first principles. It is a question of *method;* whether deductive or inductive principles shall henceforth prevail; and whether there is room within the church for a *historical,* as well as for a *traditional* and a *pietistic,* School of Theology. For let it not be lost sight of; it is not the acceptance of this or that theory about the Bible, which is now the point of conflict. The conflict is for freedom to prosecute inquiry, not for any results which are supposed as yet to have been attained. The upheaval is, to resist the deadly stifling pressure of traditions accumulated by the past, and reverse the poet's cry—.

'The living do not rule this world: Ah no,
It is the dead, the dead.' †

The ferment is, to give the real life of the modern world room to work and expand, lest it burst the worn-out bottles of a scholastic theology into fragments. The struggle is, to maintain against a very small but energetic minority of learned men,—whose mission it seems to be 'to confront, encounter, and 'beat back everywhere the spirit of the age,' ‡ and who have not scrupled to invite the alliance of a bigoted and unlearned mob—that mental freedom which the very presence of a Divine Revelation of itself so much endangers; yet which is a vital necessity to man, which ancient thinkers found in the (now

* Dr. Döllinger, Speech at the Munich Congress, 1863. (Verhandlungen, p. 33.)

† Jean Ingelow's Poems, p. 22.

‡ Dr. Newman, 'Lectures on Angl. Difficulties,' p. 12.

universally abandoned) system of allegorical interpretation, and which the true and loyal pastor of souls, so far from daring to quench and disallow, will surely find means to cherish, as health and soundness in men's minds and the only reasonable hope of a veracious theology, and an undivided Church in the coming generation.

To the judgment of that generation,—and not to that judgment alone,—the leading Churchmen of the present day will have to answer, if they shall have succeeded by a petty harassing system of censures and prosecutions, not merely in blasting their own character for statesmanlike breadth and generosity, but (what is far worse) in stunting the growth and narrowing the minds of the *personæ ecclesiæ* who are to follow them. The Church of England is now on its trial, if ever any Church was. The day of its visitation has come; and like all such days, it is a day of sifting, a κρίσις, whereby the thoughts of many hearts shall be revealed. The form which this visitation presents is, not now whether the Church shall embrace a Jewish or a Catholic Messiah; not now whether she shall succumb to the brute force, and make room for the pagan schemes of a Diocletian; not now whether she shall shrivel into a puritan Donatism; not now whether she shall expand into a courtly semi-pagan Arianism; not now whether she shall risk a Papal despotism in order to subdue barbarian Europe; not now whether she shall risk unity for a time at the righteous call of Truth, and Science, and Reformation;—but, whether she shall prefer her own theories to God's truth; whether she shall hug to her bosom the Bible as she had always fancied it to be, instead of accepting the Bible as it really and actually is. And in this are involved questions for her—and, indeed, for the world—of vast and far-reaching consequence. A Church which substitutes her own fancies about the Bible for the reality, is in possession of a false Bible; she has 'made the Word of God of none effect 'through her traditions;' and her clergy have refused to 'banish 'and drive away erroneous and strange doctrines contrary to 'God's Word,'* though they had vowed to do so. But a Church whose Bible is falsified, and whose clergy are unfaithful to their vows, no power of Queen, or Parliament, or Convocation can possibly make to stand. Every day, as inquiry advances among the laity, the breach must needs become wider between them and the clergy; and it will be a breach between everything that is honest, manly, and intelligent on the one side, and everything that is servile, artificial, and traditional

* Ordination Service for Priests.

on the other. But the ranks of such a clergy as that, in a country like England, can never be kept supplied with fresh recruits of sufficient mental energy to do her work. Such a Church must die of inanition, and her enemies will arise and divide the spoil. The fruitful study of a sound and healthy theology will pass into other hands, who will freely bring to bear upon it all the resources of the modern inductive method and all the vast moral power of a thoroughly veracious temper. And a chapter of history will have to be written—the most melancholy page in all the glorious annals of England—describing how that Church which once bade fair to cement afresh by re-awakened spiritual forces the goodly fabric of an Imperial state, collapsed at last by unfaithfulness to her own principles; was seduced by the whispers of a false expediency from her old heart's devotion to a God of truth; and just at a moment when her sterling qualities were attracting the world's attention,—when her generous loyalty to the past was appealing vividly to a generation sick of revolutions,—when her free use of art and fearless cheerful grasp of this world's gifts and this life's powers were just beginning to exert an influence upon the great industrial masses disgusted with a sour and petty sectarianism,—and when, presenting alone in Europe the noble spectacle of a Church in full harmony with the state, of a clergy penetrating by family relationships into the very texture of society, and of a Theology living enough to believe yet strong enough to inquire, she was in the fair way to fulfil the prophecy * which even her bitterest enemies had made for her, and to form a nucleus for the re-union of Christendom,—how at that moment she fell, and left all her great hopes unfulfilled and her great task undone. So have we seen a stately ship, laden with goodly merchandise, manned by strong arms and willing hearts, and even now emerging from the narrow seas upon her outward voyage, wrecked and stranded in an hour by the misjudgment of some unskilful pilot, missing the right moment for some change of tack, and converted, by the folly of her helmsmen, from a living and triumphant embodiment of beauty, power, and movement, into a helpless broken hulk, upon which the winds and waves stayed not to wreak their fury.

That no such fate, however, is in store for the Church of England, we entertain the fullest and most unshaken confidence. In the first place, there are many indications that the influence of those, who have more than once so signally misled

* De Maistre, 'Considérations sur la France,' chap. ii.

her, is now inevitably on the wane. In the next place, if timidity, if rashness, if intolerance have found a voice and rushed (as was very natural for them to do) into overhasty anathemas, the voice of reason, of strong and therefore tranquil faith, and of determination to buy the pearl of truth whatever it may cost, has *not* (be it well remembered) yet been heard. Dr. Manning, not long ago, shuddered to record his 'unchanging conviction that Dr. Colenso represents the religion of the majority of English laymen.'* Making allowance for the exaggerations of a renegade and an Ultramontane, we may perhaps reduce this statement to the prognostication that whenever the proper time shall come, and all the knotty debates on precedent and order that amuse and agitate Convocation shall be set at rest,—then the mighty voice of the now quiescent English Church (in the full extent claimed for it by the Bishop of St. David's †) shall be heard above the babbling din,—then it will be known on which side the great mass of English churchmen were really standing, and whether the policy pursued by the present leaders was a policy suited to their sense of Right and Truth or not. If we are not mistaken, the principles upon which Theology will in the future be conducted are, not the principles of Dr. Pusey or Professor Mansel or Dr. Wordsworth, but the principles of Professor Jowett and Dean Stanley, of Dr. Döllinger and M. Guizot,—and of a greater far than any of these, who thus draws to a close the noblest of his works:—'It seems, then, that man has a consanguinity with God; and since God knoweth all things, and nothing even of the supersensual world is hidden from Him, surely even the rational mind may grow from less to more, from the visible to the invisible, and come at last to a more perfect kind of knowledge.'‡ And again, if we do not utterly misread the signs of the times, the Policy that will ere long receive the sanction of the English Church is not the policy of an insincere Evangelico-Tractarian Alliance, nor the policy of employing mean and vexatious persecutions productive of immeasurable scandals, without even the paltry merit of success,—but that policy, which has always been supported in this Journal,—which has now, after mature consideration, been formally recommended to the State by the recent admirable Report of the Committee on Clerical Subscription, and which has lately found its spokesmen in some of the ablest prelates on the bench:—

* The Crown in Council on Essays and Reviews, p. 20.
† Speech in Convocation, Feb. 17, 1865.
‡ Origen, De Principiis, iv. 37.

'It is not (writes Archbishop Thomson) to be thought that our teachers have up to this time been kept straight by the fear of a tribunal which in fact we have never used. If one of us should be tempted to err from the Faith, more powerful than such a fear will be the *common sense of his people*, who, with the Bible in their hands and the Prayerbook that recognises the Bible, will refuse to be led off from its plain statements; more powerful will be the voice of *his own conscience*, that tells him what he has freely undertaken to teach, and how far he may depart from it without ceasing to be a teacher in a Church that is founded on the Bible. The Church of England knows little of courts and prosecutions, and her stability and soundness in the Faith rest upon a different and a far surer guarantee.'*

'I deprecate (says Bishop Jeune) any indirect mode of laying down doctrine by any tribunal whatsoever. I do not, however, think that the Church of England depends much upon any tribunal. *It is a Church of confidence on the one side and of honour on the other.* To this we have chiefly trusted in the past, and to it I think we may in the main trust for many years to come. I hope, therefore, we shall see few of these disastrous trials.'†

In this hope we are sure that every loyal son of the Church of England must heartily concur. No less than 1,400 years ago, Augustine laid down the same broad principle: 'melius 'est dubitare de rebus occultis, quàm *litigare* de incertis.'‡ And although every candid Churchman must fully allow, and deeply sympathise with, the practical difficulties of prelates, whose very office compels them to exercise an anxious watchfulness over doctrine,—still, it must never be forgotten that this same high office demands from them generalship rather than petty tactics, and a certain healthfulness of conscience, far removed from morbid scruples or womanish fears. The Bishop of Salisbury himself allows that the urgent need of the Church is 'that intellectual or scientific exhibition of Divine truth, of 'which it is really capable.'§ And even the Bishop of Capetown confesses that the results of Dr. Colenso's writings have actually been, 'that they who are best able and most disposed 'to form an impartial conclusion on the matter, tell us that, so 'far from being shaken in their convictions . . . discussion and 'controversy have deepened and strengthened their convic-'tions.'‖ With regard therefore to the practical question now more immediately under debate, we echo the following

* Pastoral, 1864, p. 16.
† Speech in Convocation, Feb. 17, 1865.
‡ On Genesis viii. 5.
§ Charge, 1864, p. 24.
‖ Charge, 1865.

wise and moderate language, which well becomes the statesmanlike dignity of their episcopal throne:—

'The Church of England is the great defence of pure Christianity. To it is committed the most important post in the whole world, in maintaining the ancient faith and yet meeting the ever-varying wants of man's growing intelligence. Let us trust that, whatever changes are introduced into its polity, nothing may ever be done to make it more dependent on the temporary agitations of Theological parties.'*

'Patience is the proper temper for an age like our own, which is in many ways an age of transition. The discoveries of Galileo seemed more alarming to his contemporaries than any discoveries in geology or statistics can seem to us. We see no difficulty in Galileo's discoveries now. Such things, then, are probably the proper trials of our faith. Sober views, patience, prayer, a life of godliness, and a good conscience will (no doubt) keep us from making shipwreck of faith. What now seems like a shadow may be only the proof that there is a light behind it. And even if at times there should come shadows seeming like deep night, we may hope that the dawn of the morning is but the nearer.'†

ART. X.—1. *Report of the Commissioners appointed to inquire into the Working of the Law relating to Letters Patent for Inventions.* (Presented to both Houses of Parliament by Command of Her Majesty. 1865.)

2. *Rapports des Membres de la Section Française sur l'Ensemble de l'Exposition.* Publiés sous la Direction de M. MICHEL CHEVALIER. 1862.

'THE grievance of monopolies had gone on continually increasing; scarce any article was exempt from these oppressive patents. When the list of them was read over in the House, a member exclaimed, "Is not bread among the number?" The House seemed amazed. "Nay," said he, "if no remedy is found for these, bread will be there before the next "Parliament." Every tongue seemed now unloosed; each as if emulously descanting on the injuries of the place he represented.' So Hallam describes the indignation of British senators, two centuries and a half ago, at the extent to which the ordinary business of trade and manufacture had passed under the dominion of individual monopolists holding

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* Bp. Tait, 'Collection of Judgments,' &c., Preface, sub fin.
† Bp. Browne, 'Aids to Faith,' p. 321.

letters patent from the Crown. But if the list of such monopolies were now read over in the House, it would be found that the case of which the mere imagination once provoked such wrath in Parliament has been realised,—bread *is* among their number, and a man shall hardly mix flour and water and bake them into bread in any manner which has not been granted by the Crown to the exclusive use of some patentee. Bread, of course, is but an example. In 1851, before the reduction of the cost of patents, and when fresh monopolies were granted only by hundreds a year, Mr. Brunel described to the Select Committee of the House of Lords on Patent Bills the effect of the restrictions upon improvements in manufacture as follows:—'At present I dare not take a step in introducing any 'change in the manufacture of anything, because I am pounced 'down by some one who has patented something that resem-'bles it.' Since 1852 fresh patents have been issued, not by hundreds but by thousands; more than 35,000 specifications have been lodged in the Patent Office since that year; and, while the increasing competition of other countries makes it more than ever necessary that every man should be free to make any improvement that science or experience may suggest, it has even become dangerous to a manufacturer to continue manufacturing by his own ordinary methods. Mr. John Scott Russell stated to the Royal Commission, which has at length issued its report:—'I have gone on in the course of my busi-'ness, doing my ordinary work, and I have found other people 'taking out patents for what I was doing without calling it an 'invention, and then prosecuting me for my own inventions.' Mr. John Platt, a large manufacturer in Oldham, said:—

'It is positively dangerous for a person engaged in business in a large way as I am, considering the number of patents that are granted so indiscriminately, to carry on business at all. I think that there is scarcely a week, certainly not a month, that passes but what we have a notice of some kind or other of things that we have never heard of, and do not in the least know that we are infringing upon them, and the difficulty is to get any knowledge; we may be now infringing, and may have been infringing for years, and a person may have been watching us all the time, and when he thinks we may have made a sufficient number, he may come down upon us.'

And Mr. Grove, Q.C., a member of the Commission and distinguished patent lawyer, observed:—

'In a large manufacturing concern where there are many looms or many mules employed, the ordinary little improvements which probably any skilful workman could adopt from day to day as he went on, he is now prohibited from making; that is to say, he runs

the risk in each of them, however trifling it may be, of infringing some patent.' *

Again, on behalf of the Admiralty, the Duke of Somerset testified: 'It is almost impossible to move anywhere without 'being told that we are interfering with the patent right of 'some gentleman, and the inconvenience to the department 'of course is enormous in the time it takes up.' Admiral Robinson, Comptroller of the Navy, added: 'It is scarcely 'possible to build a ship, being a combination of wood and 'iron—and you always have some of each in a ship—without 'treading upon somebody's patent.' The Ordnance Select Committee likewise report that—'It is scarcely possible to propose 'a new arrangement of breech-loading or new mode of rifling 'or new description of projectile which shall avoid known 'defects and embrace known excellences, without finding some 'of the details anticipated by patentees and claimed as private 'property.'

It is true that even among some of the heaviest sufferers by the multiplicity of patents there is a disposition to believe that these mischievous consequences are remediable by alterations in the administration of the Patent Law; but it is impossible satisfactorily to discuss the remedies which have been suggested without examining the fundamental assumptions upon which the policy of maintaining a law of patents, without reference to its special provisions, has been rested by its most eminent advocates.

Paradoxical as it may be, the inherent and incurable vices of the Patent Law are its chief stronghold. It is of necessity so technical in its principles, so full of subtle, contradictory, and unjust distinctions, so unintelligible without laborious study, that few but practising patent lawyers have ever attempted to master it. Even great political philosophers have spared themselves the labour of investigating its real character, and treading 'the high priori road,' have founded their arguments for it not upon its actual and essential principles, but upon what they have erroneously imagined them to be. Bentham termed the chief vice in a system of law 'incognos-'cibility,' but the incognoscibility of the Law of Patents, which has ruined so many inventors, can alone have secured for it Bentham's approval upon wholly mistaken grounds. The popularity of the Patent Law grew out of various assumptions which are altogether fallacious. It was assumed that patents must reward inventors in proportion to the useful-

* Report, 1467.

ness of their inventions, and that if useless they are harmless; that they are identical in principle with copyright in books; that an inventor has a right of property in his invention; and that great inventions would not be made unless a legal monopoly were secured to the inventor. The first of these propositions has been stated by Bentham as follows:—'An instance of a 'reward peculiarly adapted to the nature of the service is that 'of the monopoly which it is the custom to create in favour of 'inventors. From the very nature of the thing it adapts 'itself with the utmost nicety to the value of the service. If 'confined, as it ought to be, to the precise point in which the 'originality of the invention consists, it is conferred with the 'least possible waste of expense.' Mr. Mill also says: 'The 'condemnation of monopolies ought not to extend to patents 'by which the originator of an improved process is allowed to 'enjoy for an unlimited period the exclusive privilege of using 'his improvement. The reward conferred by it depends upon 'the invention being found useful, and the greater the useful-'ness the greater the reward.'

Many proofs will be found in the course of this article that it is a serious error to confound patentees with inventors, and to assume that the possession of a patent is, or can possibly be made, the proof of first, sole, or real invention. But we must first show the fallacy of the assumption that the profits of a monopoly are in proportion to the benefit which the monopolist confers upon the public. To suppose this involves not only an error in fact as to the class of patents which are most profitable, but also an error in political economy;—that of confounding the results of monopoly with those of free competition. Where the market is open to every producer, if one man gets a better price than his rivals in trade get, it must be because he sells better articles, and he can only sell things at a fair profit on their cost of production. But if he can exclude all rivals from the market; if he can seize the exclusive sale of things essential to production and improvement; if he can threaten a whole trade with litigation and penalties, his price is an exaction from necessity and fear, and the amount of his profit depends on the number of persons he can injure, the amount of injury he can do to them, and the amount of money they have in their possession. The blackmail a freebooter can extort does not depend on his usefulness to the community; it is paid not for a good but to escape a greater evil. In like manner, if a man has a power of shutting out the public from the use of some natural substance or force, or some simple but essential part of a whole system of

machinery or stock in trade, his profit depends not on his own ingenuity or the proper value of the thing he monopolises, but on the amount of trade, production, and invention he can impede or endanger. That such is the source of much of the profit arising from patents is abundantly proved:—

'The majority of witnesses,' the Commissioners state in this Report, 'decidedly affirm the existence of practical inconvenience from the multiplicity of patents. It is evident that the existence of these monopolies embarrasses the trade of a considerable class of persons, artisans, small tradesmen, and others, who cannot afford to face the expense of litigation, however weak the case against them may seem to be; and a still stronger case is made out as to the existence of what may be called obstructive patents, and as to the inconvenience caused thereby to manufacturers directly, and through them to the public. Instances will be found in the evidence of particular manufactures and branches of invention which are so blocked up by patents, that not only are inventors deterred from taking them up with a view to improvement, but the manufacturer in carrying on his regular course of trade is hampered by owners of worthless patents whom it is generally more convenient to buy off than to resist. The evil also results in another practice having the same obstructive tendency, namely, that of a combination amongst a number of persons to buy up all the patents relating to it, and to pay the expense of attacking subsequent improvements out of a common fund. It cannot be doubted that this practice prevails to a considerable extent. We must also conclude that when the obstruction is not to be got rid of without the expense and annoyance of litigations, in a large majority of cases the manufacturer submits to an exaction rather than incur the alternative.'

While patents were comparatively few, even wealthy and powerful companies frequently submitted to extortions proportionate to the obstructions and dangers they occasioned; as the following evidence of Mr. Ricardo, M.P., before the Lords' Committee in 1851 will show:—

'Are you a patentee?—I am a very large one.

'Are all those patents beneficial to the public?—No. I am speaking more particularly of the company of which I am chairman, the Electric Telegraph Company. Many of those patents have been bought up simply to avoid litigation; it is always cheaper to buy a bad thing, and have it of one's own, than it is to litigate it.

'As far as the public are concerned, the whole of the money which you have spent in buying up those patents, and trying them, has been thrown away?—Entirely so. I should have considered the thing more valuable if we had originally started with no patent at all.

'Would not some of those patents which you have been compelled to buy, though useless in themselves, have operated as great obstructions to you if you had not possessed yourself of them?—No doubt they

would: we generally look more to the parties in whose hands they are, than to the patents themselves. *If we find a very strong party has a very bad patent, we buy the patent, although we do not use it;* if, on the contrary, it is not likely to injure us, we leave it.'

But poor manufacturers and traders are still more at the mercy of a patentee, and 'instruments to hang lawsuits on,' as frivolous and obstructive patents have been defined, are now comparatively cheap. Such are the risks of patent litigation, that even persons who can afford to go to law will generally shrink from it, as Mr. Grove, Q.C. has stated in his evidence that they do.

'(977.) (Mr. Fairbairn.) But all those patents of a frivolous character die a natural death?—(Mr. Grove.) Not all of them. They ultimately die, but they frequently in their short life produce a good deal of inconvenience.

'(978.) And they crowd the Patent Office?—Yes; and they not merely crowd the Patent Office, but they inconvenience the tradesperson. I have had this sort of thing happen to me. A person comes to consult me upon some little improvement which he has made in the articles he commonly sells. He says, "I have had a "threat by A or B, that I am infringing his patent; what am I to do? "I must either destroy 20*l.* or 30*l.* worth of articles which I have "made, or I must go to the expense of probably 500*l.* or 600*l.* to de- "fend a patent action." It is possibly worth the patentee's while to go to the expense of an action, but not of the person who is making the articles; he had better destroy them.'

Nor could this evil be removed by any measure intended to simplify the process of obtaining a repeal of patents:—

'We will assume,' says Mr. Grove (1014), 'a patent to be granted, and that a twelvemonth afterwards some one wishes to repeal it; you might undoubtedly to some extent simplify the present proceeding of *scire facias*, and make the formal matter more inexpensive, but I do not see how you could simplify the contest. If the patentee was a wealthy man and a large manufacturer, having twenty, thirty, or forty patents in his possession, he would struggle to the utmost to maintain his patent, he would retain the ablest advocates and the ablest scientific witnesses, and there would be no chance of repealing the patent unless the person opposing it had something like an equality of purse to go into the field. You never could get the battle fought, if one side was wealthy, without the opposite party having something like equal powers to oppose him.' . . . (1018.)

The foregoing evidence must be admitted to be conclusive that frivolous patents are not harmless, and that the lucrativeness of a patent is often proportioned to the power of the patentee to obstruct and endanger trade and improvement by means of it, rather than to the ingenuity or novelty of the invention itself.

We proceed to examine the notion that patent right is in principle identical with copyright; but the difference so pervades the whole subject that we shall more than once have occasion to recur to it, when pointing out the injury which patents do not only to inventors and manufacturers in general, but to patentees themselves. It is in the first place clear that the law of copyright gives the author no monopoly of the practical applications of his ideas, or of the natural substances, or the mechanical or chemical forces of which he treats. Liebig and Faraday have not appropriated to themselves the chemical bodies and processes they have discovered and described: Dr. Carpenter did not acquire a property in the differential pulley described in his Mechanical Philosophy, and afterwards patented by Mr. Weston; Mr. Simmonds laid no claim to any of the various uses of waste substances he pointed out, but patentees have claimed most of them; writers on medicine and surgery do not prevent practitioners from applying the remedies recommended in their treatises, but it is not uncommon for an apothecary to patent the prescription of a doctor. So far is an author from appropriating by his copyright the material bodies or contrivances he explains, or the practical suggestions he makes, that he does all he can to spread their general use. The very appropriation of the use of his discoveries which the author is so far from making by the publication of his book, a Patent Law enables another man, who only reads or hears of them, and perhaps little understands, to make. Liebig published a work on the application of organic chemistry to agriculture, and the artificial manures he suggested were immediately seized by a crowd of patentees. Dr. Hofmann discovered aniline, and his pupil, Mr. Perkin, patented its purple dye. All the coal-tar colours have been discovered and made known by one set of men, and patented by another set. 'You cannot,' said Baron Alderson, in Mr. Neilson's famous patent case, 'take out your patent for a principle. The principle must be considered as having been invented *pro bono publico*; that is, as having had anterior existence before the patent. You take out your patent, not for the principle, but for the mode of carrying it into effect.' The discoverer of the principle, the true inventor, may ask why another man should be allowed to deprive him of the use of his own discovery, and the answer of the Patent Law is that his discovery was made *pro bono publico*; it has no legal existence, and a living dog is better than a dead lion. Thus the patentee gets

the author's principle*, but he gets a great deal more. 'You 'embody,' says Baron Alderson to the patentee, 'the prin- 'ciple in the machine, and you stop all improvements.' Why may I not improve upon this clumsy application of my own principle, the philosopher asks: 'Because,' says the Judge (*ipsissimis verbis*), 'you infringe the principle, which you 'have no right to do.' Thus the patentee, often by some most obvious application, first acquires a right of property in a principle which he never discovered, and next a right of property in better applications of it than he could make. These consequences inevitably follow from a Patent Law, and are not mere peculiarities of the present law. For as patents are for manufactures, the thing patented cannot be a mere principle or idea, and thus the philosopher's discovery is unpatentable. But when the idea or principle has been embodied in a machine—that is to say in a specification—the patentee, to have any good of his patent, must be allowed a monopoly of equivalent and even better embodiments or applications of it:—

'(1162.) (Vice-Chancellor Wood.) With respect to patenting a machine, if you only gave the patentee a right to the machine in its entirety just as it exists, would that be worth anything; would you not have mechanical equivalents immediately? — Yes; and you would very soon have an improvement upon it. I do not think you can reduce the patent right to the same basis as copyright; if you could it would be unobjectionable.' †

* Patent lawyers have tried to establish a distinction between 'the principle applied' and 'the principle of its application.' The former, says Mr. Webster, is a law of science or a rule of practice; the latter is the practice itself. And if it were not for the inevitable doctrine that a patent covers equivalents, it might be argued with some show of reason that the patent only gives a monopoly of one particular application of the mechanical or chemical principle applied. The Patent Law had originally a justification which it has no longer. When no organised body of scientific discoverers existed, and it was rarely that a man thought of making any change, the maker of a new machine was generally the inventor of the principle applied in it. Moreover, the intent of the statute was that the person, who alone was thought competent to teach the mode of working the invention, alone should have apprentices; and hence the term of fourteen years. Much of the difficulty of an invention really then lay in the *manufacture*, or manual dexterity and process. So rude were all tools, so unskilful and inaccurate all workmen, so governed by routine all minds, that the instruction and supervision of the inventor himself were, not without reason, thought necessary to secure to the public the true method or the genuine article.

† Report of Royal Commission, p. 69.

The doctrine of equivalents thus arising was applied by Baron Parke to Mr. Neilson's case in the following terms, which, *mutatis mutandis*, are applicable to all patent cases:—

'If the patent be a good patent, and if the specification is to be understood in the sense claimed by the plaintiff, there is no doubt the defendant's machine is an infringement of that patent, *because it is the use of air which is heated,—much more beneficially and a great improvement upon* what would be the machine constructed by looking at the specification alone,—but still it is the application of heated air in one or more vessels between the blowing apparatus and the furnace, and therefore, though undoubtedly a great improvement upon what would be the species of machinery constructed under the patent, it appears to me that it would be an infringement of it.'

Another eminent judge, the present Master of the Rolls, giving evidence before the Lords' Committee, stated the effect of this doctrine in the following terms:—'The man who comes 'first gets the patent, even though the invention of the second 'man may be more complete; but this leads to many other 'considerations involving the whole question of Patent Law.' Some of the considerations to which it does lead, especially in regard to the comparative justice and policy of a patent law and a law of copyright, will appear in a practical instance to which we shall refer presently. It will be convenient first to give our lay readers a description of the nature and extent of the monopoly acquired by copyright on the one hand, and of the securities on the other hand which authors have against innocently incurring penalties for piracy and the suppression of their works, or even forfeiture of their own copyright for want of novelty in some of their ideas. 'The Act that 'secures copyright to authors,' said Lord Mansfield in a case of alleged piracy, 'guards against the piracy of the words and 'sentiments, but it does not prevent writing on the same sub-'ject. There must be such a similitude as to make it reason-'able to suppose that the one is a transcript of the other, and 'nothing more than a transcript.' In an American case, Mr. Justice Story remarked:—

'I think it may be laid down as the clear result of the authorities that the true test of piracy or not is to ascertain whether the defendant has in fact used the plan, arrangements, and illustrations of the plaintiff; or whether his work is the result of his own labour, skill, and use of common sources of knowledge open to all men, and the resemblances are rather accidental, or arising from the nature of the subject.'

Again, in a case concerning prints, Lord Ellenborough said: 'If the similitude can be supposed to have arisen from

'accident, or necessarily from the nature of the subject, or 'merely from reading the letter-press of the plaintiff's work, 'the defendant is not answerable.' Carrying these dicta in mind, let us recall the principal features of the patent case of Holmes *v.* The London and North Western Railway. A patent was granted to a Mr. Handcock for a railway turning-table; forty-one days afterwards, and several months before Mr. Handcock's specification was enrolled or accessible to the public, a Mr. Harrison patented another turning-table which turned out to be similar in several parts to the other, but superior, and with parts which the other did not contain. Years afterwards litigation arose between an assignee of Mr. Harrison's superior turning-table and The London and North Western Railway Company, who employed Mr. Handcock's. The counsel for the former was driven by the earlier patent to contend that the parts common to both tables were not claimed by Mr. Harrison. On the contrary, what he claimed was a novelty in the combination of the parts of the earlier turning-table with parts which it did not contain. But the Court overthrew this argument at once by the reply that Mr. Harrison, being totally ignorant of the existence of the other machine, could not have intended to make a new and distinct invention, and to specify accordingly. 'Nobody,' said Sir J. Jervis, C.J., 'can read Harrison's specification 'without seeing that he did not know that Handcock's patent 'was in existence. Then how was it possible, if he did not 'know of it, to point out what was new and what was old?' And Mr. Justice Maule added: 'Harrison effected an improve-'ment upon Handcock's table, though he was not aware of the 'existence of Handcock's patent at the time. If he had known 'of Handcock's patent, he probably would have specified his 'own very differently, comparing it, and excluding much that 'is in it. *He had not that opportunity, but his legal position is 'the same as if he had.*'

In this case the question before the Court was not whether the second patentee, but more perfect and perhaps earlier inventor, was guilty of pirating an invention which he could not have known of, but only whether his own patent was good. His legal position, however, would have been exactly the same had proceedings been taken against him for infringing the earlier patent. The law is, that if one of several simultaneous inventors is first by a day in the Patent Office, with a comparatively crude and imperfect production, he may either altogether suppress the inventions of all the others, or lay them under tribute; or he may lie by for years, and finally

recover damages from them all for using or selling their own better inventions, in total ignorance of his. If one of them should plead ignorance of the patent, the answer is, 'You had 'not that opportunity, but your legal position is the same as 'if you had.'

No such injustice as this can possibly arise with respect to literary inventions under the law of copyright. Two or more writers may contemporaneously chance upon some similar ideas and equivalent expressions; they may even develope the same fundamental conception, but they cannot, without copying one from the other, produce books that are the same in construction of law; and no author need fear that his book will be suppressed and himself mulcted in damages, if it be found to contain some similar thoughts to those contained in a perhaps inferior work published a few weeks or days sooner. Mr. Darwin had not to fear an action for piracy on the part of Mr. Wallace. If copyright and patent right were similar, Mr. Darwin, instead of being, as he says in his preface, especially urged to publish his 'Origin of Species' because Mr. Wallace had 'arrived at almost exactly the same general conclusions,' would have been especially urged to do nothing of the kind. The author, in short, monopolises nothing but what was made his own by the form he has given to it, which no other mind would have produced with precise similarity. The patentee, on the contrary, acquires a monopoly of a thing which it is in the highest degree probable that others have produced before him, or about the same time. Having the same laws of nature to deal with, the same information from books and scientific discoveries, handling the same materials and the same tools, surrounded by the same facts and analogies, and supplying the same demand, it cannot be otherwise than that many persons should make the same inventions and improvements. In the recent case of Simpson *v.* Holliday, Dr. Nicholson's patent was taken out eight days after Mr. Medlock's for the production of aniline red by precisely the same process. Of the 127 patents for the manufacture of steel taken out between May 1861 and May 1862, 'there is only one,' says the Report of the Jury of the International Exhibition,* 'which has been attended with any 'practical or commercial results, and this is the process pa- 'tented by Mr. Bessemer.' But while Mr. Bessemer had a very confused notion, as his specifications show, of the nature of the process of decarburising iron by atmospheric air, 'an ex- 'periment,' says Dr. Percy, 'was conducted at the Ebbw Vale

* Class xxxii., Rep. p. 1.

'Iron Works, in which air was blown through pipes into 'molten pig iron, and but for an accident by which the molten 'metal escaped from the furnace, Bessemer's patent would have 'been anticipated;'* and Mr. Smiles observes:—

'Like every other invention, this of Mr. Bessemer had long been dreamt of, if not actually made. We are informed in "Warner's "Tour through the Northern Counties of England," published at Bath in 1801, that a Mr. Reed, of Whitehaven, had succeeded, at that early period, in making steel direct from the ore; and Mr. Mushet clearly alludes to the process in his Papers on Iron and Steel.' †

The following passage from the work just quoted affords some idea of the great amount of independent invention of similar things, and consequently of the cruel injustice which the Patent Law does in giving to the first applicant for monopoly a right of action as first and sole inventor against all who employ similar articles, made probably by persons too poor either to take a patent or to defend themselves against an action for infringement:—

'Of modern inventions, the greater number are disputed. Who was entitled to the merit of inventing printing has never yet been determined. Weber and Senefelder both laid claim to the invention of lithography, though it was merely an old German art revived. Even the invention of the penny-postage system of Sir Rowland Hill is disputed. The invention of the steamboat has been claimed on behalf of a Frenchman, an Englishman, and a Scotchman. The invention of the spinning machine has been attributed to Paul, Wyatt, Hargreaves, Higley, and Arkwright. The invention of the balance spring was claimed by a Dutchman, a Frenchman, and an Englishman. There is scarcely a point of detail in the locomotive but is the subject of dispute. Many inventions appear to be coincident. A number of minds are working at the same time in the same track, with the object of supplying some want severely felt; and, guided by the same experience, they not unfrequently arrive at the same results. Thus Hadley and Godfrey almost simultaneously invented the quadrant, the one in London, the other in Philadelphia. The safety lamp was a coincident invention, made about the same time by Sir H. Davy and George Stephenson. It is always difficult to apportion the due share of merit which belongs to mechanical inventors. Some idea of this difficulty may be formed from the fact that in the course of our investigations as to the origin of the planing machine, one of the most useful of modern tools, we have found that it has been claimed by six or seven inventors—Fox, Roberts, Matthew, Murray, Spring, Clement, and

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* Metallurgy of Iron and Steel, by John Percy, M.D., F.R.S., p. 814.

† Industrial Biography, by Samuel Smiles, p. 112.

George Rennie, and there may be others of whom we have not yet heard.'

The Law of Patents settles difficulties respecting such rival claims by giving the whole merit and profit to the man who has the money to pay for a monopoly and to fight for it, although his contrivance may be the worst, and perhaps clandestinely copied from one of the others.* The patentee may be the most rash and ignorant, and the most dishonest of many who lay claim to an invention; but his patent raises no presumption in favour of his being the first or the sole inventor, even where there is evidence of merit and originality on his part.

A lamentable proof of the dangers to which patents must inevitably expose both patentees themselves and other inventors, by reason of the great probability of an earlier use of the patented invention by others, is afforded by the celebrated case of Heath *v.* Unwin. Mr. Heath had obtained in 1839 a patent for the use of carburet of manganese in the manufacture of cast steel, but it was subsequently discovered in his own manufactory that the great advantages obtained by the use of the carburet might be obtained at much less expense by the use of its elements, coal tar and oxide of manganese. Mr. Unwin was Mr. Heath's agent, but afterwards set up on his own account as a manufacturer of steel, and refused to pay a royalty to his former employer for the use of carbonaceous matter and oxide of manganese, on the ground that they were not within the patent. Protracted litigation, extending over many years, ensued, involving several questions both of law and fact, of which the chief were, whether the patent for the use of carburet of manganese covered the use of its elements? and whether the use of the elements was new at the time of the patent? We shall touch first on the facts which came out in reference to the second question. The patentee died a distressed and brokenhearted man, but a prolongation of the patent was obtained by his widow in 1853, on the ground of pending litigation, and the case came on for a fresh trial before a jury in the same year, when evidence was given that carbon and oxide of manganese had been used by several firms long before the patent. In the earlier stages of the trial this particular evidence had not been forthcoming; and it is one of the fatal objections to a Patent Law that a patent may in this way be wrongfully maintained for several

* The frequency and facility of patenting other men's inventions is of itself an insuperable objection to the Patent Law, and no similar objection applies to the law of copyright. Several cases of this kind were cited before the Lords' Committee in 1851.

years, to the detriment of the public, and finally upset to the ruin of the patentee, because the fact that the thing patented is no new invention at all, properly speaking having been long in use, cannot be proved at once. The prior inventors, if not attacked themselves, seldom volunteer to oppose the patent; they benefit from the limitation of competition, and often, therefore, come to an improper compromise with the patentee, and the persons attacked for infringing the patent may be unable to procure evidence against it. The prior use, however, in Heath *v.* Unwin having been proved in 1853, more than fourteen years after the date of the patent, and a verdict having been obtained for the defendant, an attempt was made on behalf of the patentee's widow to obtain a new trial, and Lord Campbell gave judgment against her application in the following terms:—

'We must now assume, therefore, that before the date of the patent there were at least five firms using the powers substantially in the manner described in the specification of the patent. These five firms had all manufactured steel by putting into a crucible oxide of manganese and carbon. That being so, the question, is whether under these circumstances the patent can be supported. Now look at the Statute, the passing of which was, we all know, a great achievement on behalf of the liberty of the subject, as it put an end to the mischief of monopolies, and enabled persons who had been earning their bread to continue to do so in the same manner without liability to legal proceedings. I wish it to be distinctly understood, that if we had held the patent to be valid, these five firms would all have been liable to an action for exercising the invention after the patent. Now see what that comes to. If any man makes a discovery, and uses it without taking out a patent, and does not announce it by sound of trumpet, or calling the public as spectators, he must suspend the use of his discovery if another person subsequently makes the same discovery and takes a patent for it. That would be the consequence of the principle for which the plaintiff is driven to contend.'

And that is the consequence of the principle for which the advocates of a Patent Law are driven to contend; for neither the applicant for a patent, nor the officers who grant it on behalf of the Crown, can know whether the invention has not been long in use among many too poor 'to announce it by 'sound of trumpet,' and too poor to resist proceedings to restrain them from earning their bread by the use of their own earlier discovery. But cruel and unjust as it is that they should be subject to litigation in such cases, the worthlessness of patents, if liable to be upset by proof of prior user, is so plain that judges and patent lawyers have actually expressed an

opinion that a patent should be valid in spite of positive proof of the open practice of the invention by manufacturers long before the date of the patent.

In other words, because patentees do not and cannot know the inventions of others before them they ought to be allowed to monopolise as first inventors every invention they claim however old. Yet monstrous as such a proposition appears, it is a just and consistent deduction from the fact that patents must, if granted at all, be granted in ignorance whether the very identical thing patented is not an old invention. But this is only a part of the difficulty. A patent must cover equivalent modes of producing the result, otherwise it would be evaded in most cases by numerous substitutes. What then is an equivalent? This was, as already mentioned, one of the chief questions in Heath *v.* Unwin. It was clear that the patentee did not himself, at the time of his patent, know that the elements of carburet of manganese would answer the purpose better, for that was proved to have been a subsequent discovery, and if he had known of the cheaper process he ought to have specified it. It was also 'quite clear,' said Baron Parke, in giving judgment at one stage of the proceedings, 'that the 'defendant Unwin never meant to use the carburet of manga-'nese at all. There was, therefore, no intention to imitate the 'patented invention.' The most contradictory opinions were expressed by different judges in the case as to whether, without intending it, he had infringed the patent. But the question this case raises as to the policy of maintaining a Patent Law does not turn on the proper solution of chemical problems. The question of policy is whether an individual manufacturer should be allowed to engross things which, for anything that can be known to the officers of the Crown, many persons might already be earning their bread by, and even things unknown to himself at the time of his patent; and further, whether inventors and plain manufacturers in general can be safe in making any improvements, when questions so difficult, involving legal consequences so serious, may arise. Neither scientific nor legal opinions that they are safe may ultimately save them in a Court of Law, and the cost of such opinions is a tax which few can pay.

The public has been shocked at the numerous cases lately reported in the newspapers in which scientific witnesses have contradicted each other, and Courts of Law and Equity have differed not only with men of science but with each other on questions of infringement. The truth is, that these questions are almost always matters of opinion, involving mixed

technicalities of art and law, and distinctions as subtle as any in scholastic theology, so that savans and lawyers must differ and hairsplit, and plain men of business and preoccupied inventors must find them simply incomprehensible.

In what position, then, does the Law of Patents, professing to reward and encourage invention, place every man who proposes to make any improvement even without thought of a patent, it may be without ability to pay for one? He must know and understand not only all the published patents relating to the matter, but unpublished patents which will not be accessible to him until he perhaps has infringed them. He must further know whether such patents as may seem to interfere with him are valid or not, and if not, whether he will be able to prove that they are not, on account of prior user, defective specification, or otherwise. Mr. Carpmael, a patent agent of great ability and experience, stated to the Commissioners in his evidence (316):—'At present I advise every manufacturer, as part of his library, to have a copy of every specification that comes out relating to his particular manufacture, and that is one of the greatest benefits of publishing the whole of the specifications.' How a poor man is to have such a library is not stated; but the following answers of another witness throw some light on the point:—

'(544.) (Vice-Chancellor Wood.) What do you charge for such a specification as this, the drawings of which you have produced?—The price, 2*l.* 13*s.*, is marked on the cover.'

'(576.) (*Preliminary Examinations.*) I do not believe that twenty examiners could do the work which would be imposed upon them. For instance, in an application for an invention in textile fabrics, the examiner would be required to read and consider at least 1,500 specifications, as well as every book published on the subject; this would employ him several weeks, *and in the end he might possibly miss altogether the point of novelty or utility.* . . . In my opinion the competent examiner is the inventor himself, and, were it possible, he should be forced to read and examine *before application for protection.*'

This is really the examination which every inventor and every man, however poor and unlearned, making any improvement whatever in any branch of manufacture, is required by the Patent Law to make, not simply 'before application for 'protection,' but before making any use of his intelligence and experience to better or cheapen his tools or his wares. The evidence of several witnesses demonstrates the impossibility of organising an efficient system of preliminary examination of applications for patents by any body of official examiners, and the attempt has failed wherever it has been tried; but such

evidence proves *à fortiori* that it is impossible for manufacturers and workmen in general to tell whether an invention, however small, may not expose them to an action and ruinous penalties. With this remark we commend the following evidence to the consideration of our readers:—

'(122.) (Mr. B. Woodcroft.) The system of preliminary examination has been tried and found wanting. It is in operation in Prussia, but does not give satisfaction. It was tried in France, Austria, Sardinia, and Belgium, but being most unsatisfactory, was abandoned in each country. It is now going on in America, at an enormous expense, and the Chief Commissioner wrote to me to say that it was a very inadequate system, and a very unfair one, and that a man's patent might be knocked on the head the next day.'

'(282.) (Mr. Carpmael.) The Commissioner of Patents in America has a large staff of examiners at the Patent Office, who examine or profess to examine every specification, every book and publication that is written on the subject, and everything that is known. When all this is done, they do not profess to give you a perfect patent; on the contrary, the patent is just as open to be fought in a court of law after it has gone through that investigation, as if no such investigation had been gone through. I unhesitatingly say that a chemist of the highest character, a mechanic or engineer of the highest character, and a lawyer of the very highest character that could be found, would be a most incompetent tribunal to decide whether an invention brought before them was new. There is not that universality of knowledge in any three men whom you may pick out which would enable them to judge whether a patent ought or ought not to be granted.'

It is evident that *à fortiori* there is not that universality of knowledge in an ordinary, or even very extraordinary inventor absorbed in his own business, which would enable him to judge whether each invention that occurs to his mind may not violate some patent. The greater his invention, the more extensive and complete his combination, the greater is his danger.

'It seldom happens,' says Mr. Carpmael (367), 'that a defendant is accused of infringing the whole of a system, or the whole of a combination, but he is accused of infringing some special portion of the combination, or some special new character which that combination brings out. Therefore the defendant's machine may appear to an unpractised eye to be entirely different, until some one portion is set apart from all the other portions, and on comparing that with something in the specification of the plaintiff, you find either a substantive exactness or positive exactness; and I should say that in most of the cases that are tried, that is the class of infringement which comes before the Court: it is a constructive infringement, and not an infringement of the whole, for which the patent has been taken out.'

Tried by this test what book would escape conviction of

piracy? Not Shakspeare's Plays, nor Newton's 'Principia.' There never was an author who had not some ideas in common with his predecessors and contemporaries, and who did not owe something to both. But the mechanical or chemical inventor may be found guilty of piracy or at least involved in a lawsuit, not only if his invention be found to have something in common with a patented article, but if it contains something technically equivalent, and perhaps much more to the purpose, which the patentee never thought of. The patentee claims sole dominion not only over the forces or substances he specifies, but over any equivalent forces or substances which the realm of nature may afterwards be discovered to contain.

A patent was granted in 1849 to Mr. Hills for improvements in the manufacture of gas, in which an artificial oxide of iron was used. A Mr. Dawber invented a mode of purifying gas by the use of ochre found in certain bogs of Ireland, procurable at a comparatively cheap rate, and containing a native oxide of iron which answered very well the purpose of purifying gas of its sulphuretted hydrogen, and also producing fine sulphur by a very simple process when it had ceased to be useful in the manufacture of gas. This use of this discovery was challenged by Mr. Hills as within his patent; and had that patent been prolonged by the Privy Council as sought by Mr. Hills, we could not answer Mr. Dawber for the consequences. Every new property in nature is now pounced upon by some patentee, seldom its real discoverer. As fast as men of science communicate the uses of a new substance or sequence in nature's operations, the patentee snatches a pen and writes in the Patent Office 'These are my property.' Nay, the primæval elements, according to the chemistry of the ancients,—earth, air, water, and fire,—are appropriated, often by persons with very obscure notions what to do with them. And, strange to say, this singular right of property in the use, not of the patentee's own possessions, but of the possessions of all his countrymen—of *their* coal, iron, wood, water, &c.,—is often compared to the right of property which a man has in his own lands and chattels to use them and improve them as he thinks fit. Of such property as this, the essence of which is to deprive the rest of the world of the use of their possessions and ideas, we are ready to say with M. Proudhon, '*La propriété c'est le vol.*'

The right of property in lands, goods, or labour is the right of every man to use or dispose of whatever he possesses as he pleases, to make the most he can of either his material possessions or his mental and bodily powers; and the

policy of this right is the elementary economic principle that it is each man's interest to make the most of what he has, and consequently the interest of all that each should be at liberty to do so. The principle of the Patent Law is, that a single individual should have power to prohibit all the uses of other people's property and powers which he is the first to announce in a particular manner; that he may say to the public, 'You 'have mines, rivers, machinery, and science; I see certain 'improvements you can make with these great acquisitions; 'and because I see it you must not make them without pur-'chasing the privilege at such price as I think proper, and 'perhaps I shall forbid them altogether.' Surely the right of property is the right to be protected against such restrictions and exactions as these. If the policy of the Patent Law were consistently carried out, every man who conceived any improvement in the modes of doing business of any sort, in the system of farming or of keeping accounts, or even of diet and exercise, would have a right to monopolise it; and every man who made any change in the practices of his ancestors without letters patent from the Crown or the licence of a patentee, would be liable to an action.

It is curious that the alleged foundation of the right of inventors to a monopoly of new manufactures is the very same as that on which the right to resist invention was formerly rested—namely, that a man's labour, and outlay, and skill give him a property in his manufacture or trade, and a right to be protected against ruinous competition. Upon this principle it was that guilds were upheld and machines were broken and burnt. Upon this principle the hand-loom weaver should have had protection against the power-loom.* 'I cannot,' says the weaver in Mr. Disraeli's *Sybil*, 'sell my loom at the price 'of fire-wood, and it cost me gold. The capitalist has found a 'slave that has supplanted the labour and ingenuity of man.' Indeed, the fallacy in the case of the patentee's claim to monopoly is far more obvious and monstrous, since a single individual, instead of a whole craft, is the monopolist; there can be no proof that he invested any labour or ingenuity in the manufacture, and that he did not pick it up by accident, and no proof that others may not have a better title to be called

* Queen Elizabeth refused a patent to the Rev. William Lee on his invention of the stocking-frame, on the ground that it would ruin the stocking-knitters; and Lord Coke, commenting on the Statute of Monopolies, says that a fulling-mill, superseding much manual labour, would be 'generally inconvenient,' and so contrary to law.

its inventors who are too poor to prove it. The conclusive refutation of all claims to an exclusive right of property in particular manufactures, and of all restrictions upon the freedom of domestic trade, was long ago given by Adam Smith in condemning the Statute of Apprenticeship:—

'The property which every man has in his own labour, as it is the original foundation of all other property, so it is the most sacred and inviolable. The patrimony of a poor man lies in the strength and dexterity of his hands; and to hinder him from employing this strength and dexterity in what manner he thinks proper without injury to his neighbours is a plain violation of this most sacred property. As it hinders the one from working at what he thinks proper, so it hinders the others from employing whom they may think proper.'

It is said that inventors, and especially poor inventors, need protection, and it is true; but the legislature has mistaken the means of protection. They need protection from the multitude of restrictions, dangers, and exactions to which they are at present exposed. The atmosphere of invention is liberty—liberty for every man to use all his powers and knowledge, to try any method, to embark in any business, and to make any combination. Even in 1851, when patents were comparatively few, the nature of the protection afforded to inventors was thus described by an experienced patent lawyer *:—

'With the present swarm of patents, for every day there is a fresh litter of them, a man who is really desirous of making improvements finds himself obstructed at every step: he is in constant danger of falling into some pitfall, or stumbling upon some other man's invention. He cannot make progress in the line that his own mind would direct, but he must look about and see, Am I touching upon this man's patent? Am I trespassing here? Am I quite safe in going on in this other direction? In this way the public does not get the best invention that it might; it gets that which a man can give without subjecting himself to the tax of a licence, or to a lawsuit for touching another man's supposed invention, some crude, undigested idea perhaps, but yet enough to prevent his treading upon the same ground.'

We ask those who compare patents with copyright, whether authors are surrounded by dangers and obstructions like these, and what would be the condition of literature if they were? That there are any real inventions at all in spite of such dangers and obstructions is the best proof of the extraordinary strength of the natural causes of invention, and

* J. H. Lloyd, Esq. 'Evidence before Select Committee,' &c., 2703.

the needlessness of laws to encourage it. Mr. Fairbairn is reported to have said in his Address to the British Association as its President in 1861, that 'patent laws are essential to 'stimulate the exertions of a class of men such as Arkwright, 'Watt, and Crompton.' But Crompton, in the first place, took out no patent, and was too poor to get one, and he worked his invention by the labour of years in the face of the most formidable dangers created by the Patent Law; for if any one of the number of persons who endeavoured to discover his invention had got an idea of it, and patented that idea, Crompton would have been excluded from the use of his own mule, as he had not funds for litigation, and the patentee would have been the true and first inventor in the eye of the law. As it was, it was simply the fault of Crompton's peculiarity of temper that he did not make a fortune by his invention without a patent; for the first Sir Robert Peel offered him, even after his secret was out, a lucrative situation in his establishment, and afterwards even a partnership.

Arkwright's invention was most profitable to himself after his patent had been annulled, and the expenses of litigation had ceased with the monopoly it gave him.* Moreover, upon the principles of the Patent Law itself, Arkwright ought never to have had a patent, and the grant of one to him was an injustice to the public, for great as was his inventive genius, his spinning frame was not new, having been actually patented before by Lewis Paul in 1738, and his specification was defective. Watt's specification, too, in the opinion of modern lawyers and according to modern decisions, was bad; and his patent was an actual loss to him, for his gains were greatest after it ceased.

'Notwithstanding the cessation of the exclusive privilege, and the immense competition in the construction of the steam engine which speedily followed, so far was the business of Bolton and Watt from diminishing, that it actually increased; during that earlier time, indeed, it never could have been considered lucrative.'†

We by no means dispute that Watt thought a monopoly essential, for he shared the opinion of the times, but the result proved that it was not only unnecessary, but injurious; and had there never been a Patent Law, inventors would have

* 'Arkwright succeeded in realising a princely fortune by his manufactory; but his money was not gained by virtue of his inventions, for the bulk of it was acquired after his patent was set aside.' (*Report of Select Committee of House of Commons on Patents*, 1829. Appendix B.)

† Mechanical Inventions of Watt, vol. i. p. ccx.

been more fortunate and more hopeful. The history of patentees is for the most part the history of losses and disasters, and especially that of the most meritorious among them. Hargreaves obtained a patent for the spinning jenny, 'but it was 'infringed, an association was formed against him, and he died 'in obscurity and distress.'* Dr. Cartwright's patent for the power loom was prolonged for fourteen years, but he lost 30,000*l.* by it, and was only rescued from great poverty by a Parliamentary grant. If any man ever deserved a patent, says Dr. Percy, it was Heath; and Heath, as before mentioned, was ruined by the patent he obtained. To what purpose all the money and time spent upon searches, and specifications, and patents, and patent agents, and patent lawyers, and scientific witnesses, and law costs are laid out, may be conjectured from this fact, that nearly seventy per cent. of the patents obtained become void at the end of the third year, and nearly ninety per cent. at the end of the seventh. Thus in order to obtain from monopoly a recompense for one meritorious patentee, we shall find that hundreds of monopolies are created which altogether fail to attain this object, and even defeat it. They do not serve to reward the real inventors, but the person who may have the good fortune to monopolise the invention. They do not serve to encourage ingenuity, but rather to place it under very complicated restrictions. That any system based on the principle of exclusion and monopoly, so as to sacrifice the interest of the many to the interest of the few, is more or less of an evil, cannot be doubted. But does it, after all, benefit the few? The theory that the grant of a patent for fourteen years is a just equivalent for the disclosure of an invention by the specification is, we think, a delusion, for in nine cases out of ten the public would have arrived at the same point of discovery without any patent concession at all. But the chief argument relied on by the defenders of the patent system is that no other equally effectual mode of rewarding inventors can be adopted. We question the fact, and on two grounds. We believe that, under the present system, it continually happens that the reward goes not to the real inventor, but to some other person; and we also believe that in the majority of cases the proprietor of a useful process or discovery would command as large a profit by a judicious use of his discovery as he now does by his patent rights. In some few cases of inventions of great public importance which have not been adequately remunerated, we should greatly prefer Parliamentary grants of money,

* Report on Patents, 1829. Appendix B.

made on the recommendation of Government, to the present system of indirect taxation by raising artificially the price of the patented article.

If a great invention be patented, the patent is likely to cause ruinous expense and to fail: if not patented, the inventor is liable to have to fight for his invention and to lose it. It necessarily follows that foolish scheming and dishonest projects are the projects really encouraged. The following is a description, by a genuine inventor, of the kind of men who have usurped the name of inventor,—of which it may be said, as of the word of which Shakspeare spoke, that it was 'an excellent good word before it was ill-sorted:'—

'Mr. Maudslay had a great aversion' (says Mr. Smiles), 'for what he called the "fiddle-faddle inventors," with their omnibus patents, into which they packed every possible thing that their noddles could imagine. "Only once or twice in a century," said he, "does a great inventor appear, and yet here we have a set of fellows "each taking out as many patents as would fill a cart; some of them "embodying not a single original idea, but including in their speci-"fications all manner of modifications of well-known processes, as "well as anticipating the arrangements which may become practi-"cable in the progress of mechanical improvement."'

What with the danger of patents for real inventions, the frivolous character of others, the obstructions to all improvement created by a third class, and the extortionate terms demanded by monopolists, it is no wonder that patentees have fallen into disrepute, and that manufacturers have begun to shrink from inventors as a nuisance, and even to dread the adoption of real inventions.

'(733.) (J. Scott Russell, Esq.) I do say that nothing could work greater injustice to the inventors themselves than the present Patent Law does. Many most meritorious inventors, under the present Patent Law, are utterly ruined, enrich others, and never pocket a farthing themselves.'

'(734.) (Chairman.) Will you be so good as to explain to us in what manner it is that, as you say, many inventors are ruined through the operation of the present law?—I think that the unlimited power given by a monopoly to an inventor has this practical effect at present, that when an invention has been made the subject of a patent, everybody shrinks from it, everybody runs away from it, everybody avoids it as an unlimited evil, because the person who has the monopoly can subject you to a most expensive prosecution, and can charge you a most inconvenient sum for what you have done, can punish you in every way for having touched his invention.'

Patentees are themselves thus evidently sufferers, as a body, from their own supposed privileges; and to the great body of inventors, which is a very different body from that of patentees,

those privileges are the greatest calamity. The inventor recognised by the Patent Law is a legal fiction. Few patentees are really inventors, and many inventors are not patentees. And the expenses of patents fall heavily, as Bentham said of taxes of justice, upon a class who at first sight seem not to bear them at all. The men of inventive genius who are too poor to take patents, and too poor to contest an unjust claim to their own inventions; the men prevented or intimidated from improvements,—these are the heaviest sufferers. They are many, but they are scattered and weak; they submit to oppression in silence. We can only imagine the extent of the evil to them, and people with little imagination are apt to think such evils are imaginary. But even persons fully alive to both the visible and invisible mischiefs of a Patent Law, and their irremediable nature, suppose that, without exclusive privileges, there would be no motive for invention in the face of competition. It is a remarkable proof of the depth of the roots of the doctrine of Protectionism in the minds even of eminent political economists, that it should be necessary at this day, and in this country, to argue that so far from monopoly being indispensable to industrial progress, competition both compels and rewards it; and that the division of labour provides a great natural workshop of invention. It is sad to have to tell professed free traders that unrestricted competition stimulates every producer to employ all the means in his power to get before his competitors, and forces him to do so in order not to be left behind by them; that it urges perpetual improvement by the perpetual action of two powerful persuasives—hope and fear, and facilitates it by an infinite number of auxiliaries. Each man makes but one thing, or kind of thing, but uses many in its production. The rivals he has are therefore few compared with his coadjutors, and their rivalry only drives him to put forth his full strength. The very first chapter of Adam Smith's 'Inquiry into the Causes 'of the Wealth of Nations' shows that the division of labour provides a natural organisation for invention, consisting of a special body of scientific discoverers in every branch of knowledge applicable to the arts upon the one hand, and the combination of capital and special skill, with constant observation and practice in each branch of trade, upon the other hand:—

'The invention of those machines by which labour is so much facilitated and abridged, seems to have been originally owing to the division of labour. Men are much more likely to discover easier and readier methods of obtaining any object when the whole attention of their minds is directed towards that single object, than when

it is dissipated among a variety of things. A great part of the machines made use of in those manufactories in which labour is most subdivided, were originally the inventions of common workmen, who being each of them employed in some simple operation, naturally turned their thoughts towards finding out easier and readier methods of preparing it. All the improvements in machinery, however, have been by no means the inventions of those who had occasion to use the machines. Many have been made by the ingenuity of the makers of the machines, when to make them became the business of a peculiar trade, and some by that of those who are called philosophers, whose trade it is not to do anything but to observe everything. Like every other employment, too, it is subdivided into a great number of different branches, each of which affords occupation to a particular class of philosophers.'*

Since this passage was written, the increase of scientific discovery and industrial skill has surpassed all that the founder of a special class of economic philosophers could himself have conceived, yet economic philosophers to this day cannot all realise its truths. One reason for the popular fallacy they share upon the subject is probably that many inventions which are the simple application of scientific discovery, or the natural births of time and practice, are necessarily patented, because there is a Patent Law, and are therefore supposed to have been caused by the Patent Law. In the case of Crane *v.* Price, the patentee being resident in South Wales, where anthracite was abundant and cheap, and bituminous coal was dear, after the invention of the Hot Blast in the manufacture of iron by Mr. Neilson, patented the application of the new process to the sort of coal nearest at hand —namely, anthracite. He was not the first to think of combining the use of anthracite with the hot blast, but he was the first to patent it. The patent, however, was disputed upon the ground that as anthracite had been used with the cold blast before, there was no invention in using the hot blast instead, as soon as it was known. Sir N. Tindal, C.J., in giving judgment, said: 'We are of opinion that if the 'result be *either a new article or a better article, or a cheaper* 'article to the public, than that produced before by the old 'method, such combination is an invention or new manufac-'ture intended by the statute, and may well become the sub-'ject of a patent.' Does any one suppose that no one would use a better machine or process already invented, and the use of which produced 'better or cheaper articles,' unless he got a patent for doing so? Out of more than a hundred patents for the manufacture of sugar, Mr. Fairrie assured the Lords'

* Wealth of Nations, book i. ch. 1.

Committee that only two were for really useful discoveries, and that he had known the principle of one of these two, and applied it two years before a patentee monopolised it. The other case he stated thus: 'People took out a patent for a machine called 'the centrifugal machine to be used for drying cloth. A 'gentleman in Liverpool said this could be applicable to sugar-'refining. He went and took out a patent for that, though he 'had made no discovery, simply because the idea occurred to 'him, and without ever having tried it, and so had the means 'of excluding all the world from using it, though it was not 'his own invention at all.' When a simple analogous case of this sort is patented, it is sometimes urged on behalf of the claim of the patentee that no one else thought of it. The patent, however, affords no proof of that, and the presumption is all the other way, since many minds are always observing the same facts with equal powers of observation and similar ends in view. The patent does not prove even that the thing has not been often used already. And while the Patent Law deprives the public of the free use of improvements, naturally and, as one may say, necessarily made, it stops many others that would equally naturally arise. 'I know,' said Mr. Fairrie, 'of a process which is in use at the present moment; I see im-'provements which I could make upon it; but I cannot make 'those improvements because the original patentee says, "No, '"I shall not allow you to touch this thing at all."'* Patentees are even deterred from improving upon their own improvements. The fate of Mr. Heath, who improved himself out of his patent, is before them.

'The patentee,' says Mr. Brunel, 'even if he saw that a most material improvement could be effected by a slight change, but that such a change is not precisely foreseen by the words of his patent, not only does not introduce the improvement, but he is obliged to profess strongly that the thing is perfect as it was described, though he impedes the introduction of such an improvement. The existence of a great number of patents has first of all involved the Electric Telegraph Company in an enormous outlay for the purchase of patents; and, secondly, it has prevented them from actually introducing improvements of their own, because they might have endangered their own privilege.'

The patentee enters not in himself, and suffers not to enter those that would. It has been urged that the exclusive use of each invention by a single inventor economises the inventive genius of the country which is thus turned to fresh inventions; but it is somewhat strange in the original country of Free Trade

* Evidence before House of Lords' Select Committee (920).

to be told that competitive production is wasteful. In point of fact, patents lead to constant waste of time and labour in the repetition of old inventions. Misled by the hope of a monopoly and a fortune, and being neither able nor willing to study the thousands of specifications in the Patent Office, a man

'shuts himself up and works at his idea, and incurs by that means great suspense and loss of time and money, and the chances are one hundred to one, that if he does succeed in taking out a patent, he discovers the next day that the thing has been better done before, or that if he had consulted a workman more immediately engaged in the branch to which his supposed invention relates, he would have found that it was impracticable, or that there was no particular demand for the article.' *

Those who contend that without the hope of a monopoly much of the labour and cost now spent on invention would not be so spent are therefore partly in the right. If inventors were delivered from false hopes as well as from real dangers and instructions, much laborious re-invention would be saved. It is maintained, however, by some that great mechanical combinations would not be invented if there were no patents, since to invent them is hard and to copy them is easy. But it has already been shown that some of the greatest inventions that ever were patented would have been more profitable without a patent, and that great combinations are necessarily surrounded with difficulty and danger by the Patent Law. And, what is still more conclusive against the necessity for a Patent Law, numbers of great inventions, in spite of the danger created by such a law, have been made without patents. The case of Crompton has been mentioned. Few of Cartwright's numerous inventions were patented. Of Maudslay Mr. Smiles relates:—

'Although Mr. Maudslay was an unceasing inventor, he troubled himself very little about patenting his inventions. He considered that the superiority of his tools and the excellence of his work was his surest protection. Yet he had sometimes the annoyance of being threatened with actions by persons who had patented the inventions which he himself had made.' †

Of another considerable inventor the same writer says:—

'Another of Mr. Clement's ingenious inventions was the Planing Machine, by means of which metal plates of large dimensions were planed with perfect truth and finished with beautiful accuracy. Cle-

* I. K. Brunel, Esq., Evidence before House of Lords' Select Committee (1775).

† Industrial Biography, p. 233.

ment took out no patent for this invention, relying mainly on his own and his workmen's skill in using it.'

Mr. Brunel has spoken for himself:—

'1768. Have you had any experience as to the operation of the Patent Law?—Yes; ever since I first entered my profession, I have seen a great deal of the operation of patents.'

'1773. Can you state generally what is the result of your experience?—One result has been that I have never taken out a patent myself, or ever thought of taking one, or I hope ever shall take one; and certainly from the experience I have had, and all I have seen of the operation of patents, I believe them to be productive of almost unmixed evil with respect to every party connected with them, whether those for the benefit of whom they are apparently made or the public.' *

The evidence of Mr. Fairbairn on the point is the more striking, as he expressed the opinion in favour of patents already mentioned:—

'(1140.) In the event of an important improvement being made, is not the inventor of the improvement generally the person applied to for assistance by the trade, even independently of the patent?—I am of opinion that the Patent Laws are of no very great value, because I have five or six patents myself, and it is not any great advantage which I receive from the patent as a patent; but it gives me precedence over all other parties who are not inventors of the same article, whereby as a matter of trade, customers come to me in the first instance for the machine I have invented, rather than go to the copyist.

'(1141.) Knowing that you are the author of that machine?—Yes, I stand as the author of that machine, even without a patent; and the impression upon the public mind is, that as an inventor, I know more about the machine, and can work out the details and make it better than anyone else.

These facts fully bear out the opinion expressed by Sir W. Armstrong in answer to a question put by Mr. Fairbairn himself as a member of the late Royal Commission on the Patent Law:—

'(1110.) (Mr. Fairbairn.) How would you give these rewards in the absence of a Patent Law?—As a matter of opinion I believe that if you let the whole thing alone, the position which a man attains, the introduction and the prestige, and the natural advantages which result from a successful invention, and from the reputation which he gains as a clever and able man, will almost always bring with them a sufficient reward.'

This species of reward, founded on a man's character and

* Evidence before House of Lords' Select Committee, p. 400.

real abilities, is infinitely juster than one bestowed on a mere lucky thought or accident, or the appropriation of the fruits of some other man's idea, or one actually proportioned to the amount of trouble he can give to men in trade; and infinitely better calculated to elicit the exercise of real invention, energy, and genius. Were invention perfectly free, and the dangers of invention removed, genuine inventors would be in great demand among capitalists. The manufacturer has now to compete with the invention of the whole world; and as Solomon said, 'If the iron be blunt, and he do not whet the edge, then must 'he put to more strength, but wisdom is profitable to direct.' It was his sense of the pecuniary value of a great inventor which led Peel to offer terms of partnership to the poor workman Crompton. Even now, much as invention is impeded and endangered by the Patent Law, inventors form a part of the staff of many manufacturing establishments; and the inventive workman has, in the natural course of things, a substantial prospect of promotion for an exercise of his genius, more likely to be ruinous if expended on a patent. We will quote Mr. Fairbairn once again—in evidence to the Lords' Committee:—

'(1207.) Is not the ordinary arrangement in the manufacturing districts, that the concern is constituted of a capitalist and a person taken into partnership with him, on account of his supposed mechanical ingenuity and skill?—Yes. I think in the great majority of cases in the manufacturing districts you will always find what they call the working partner was a workman who, by his industry and careful attention to business, has advanced step by step till he has become the junior partner.

'(1209.) Generally speaking, you think the inventions emanate from the working partner?—That is certainly my opinion.'

And Mr. Mill says:—'The labour of invention is often 'estimated and paid on the very same plan as that of execu-'tion. Many manufacturers have inventors in their employ-'ment who receive salaries for designing patterns exactly as 'others do for copying them.'* The profession of the engineers has arisen, without anything but obstruction from the Patent Law, out of the natural application of skill and scientific instruction to practical invention. As Coleridge wisely said, 'Every true science bears necessarily within itself the germ 'of a cognate profession, and the more you can elevate trades 'into professions the better.' A knowledge of natural laws, and a practical talent for applying them, would be such powerful

* Principles of Political Economy. 5th ed., p. 52.

auxiliaries to capitalists in competitive trade, that if production and improvement were free, a numerous body of professional inventors would naturally and necessarily spring up. We cannot, indeed, foresee all the forms in which inventive genius would develope itself if the last and worst form of Protection were abolished, any more than we could have foreseen the expansion and direction of industry on the emancipation of international trade. Nor need it be denied that the Patent Laws have produced some invention. The Corn Laws produced some farming, and guilds and caste have produced artisans. The inventions which the Patent Law has really produced have been foolish and mischievous; and against any good inventions which are fairly traceable to it must be set all the expenses, the losses, the obstructions, and the dangers it has caused to both patentees and their competitors. One argument for patents was put as follows to the Commission:—

'Were England to abolish protection of inventions, inventors would carry their inventions to other countries. Switzerland does not protect, and consequently the Swiss take their inventions to other countries. John George Bodman, a native of Switzerland, has made numerous inventions, patented by him in this country, many of them of the highest value.' *

The argument is a strong one—for the abolition of patents, however, not for their maintenance. It is an intolerable evil that England should be subjected to restrictions and taxes on improvement from which her foreign competitors are free. And the fact that Switzerland exports inventions no more proves that inventions are not made in Switzerland than the exportation of English manufactures proves that none are made in England. Adjoining Switzerland is a country in which there is a Law of Patents, and of its operation we have the following account in a special chapter in the Report of the French Jurors on the International Exhibition of 1862:—

'Patents profit those so little in whose favour they have been instituted, that we know inventors who have set up their manufactures in Switzerland where there is no legislation about inventions. This abandonment of a country in which inventions are the objects of a pretended protection for one in which the working of them is free, appears to us to be the bitterest of all criticisms upon a law which we would rejoice to see disappear from our code. The title of patentee is every day brought into greater disrepute by the gross abuse which is made of it. We could readily believe that the institution would fall of itself, if, in the present state of things, inventors

* Evidence, 576.

could help becoming patentees. We have often heard manufacturers say they would willingly abandon these exclusive privileges upon the single condition that no one else should have them. And their reasoning was just, for under the existing law an inventor who abstains from taking a patent may see a rival not only working his inventions, but appropriating it exclusively to himself by means of a patent.'

M. Chevalier, in his Introduction to the Report of the French Jurors, bears testimony against patents in the following terms:—

'In the few cases in which patents have yielded a considerable revenue, the profits have been for the drones of the hive and not for the industrious bees; intervening parties, in place of the real inventors, have absorbed all. For years a trade of interlopers has been organised,—of patentees by profession, who lie in wait like hunters on the watch. No sooner does an invention arise from the operations of others than they pounce on it and strive to secure a monopoly of it by a patent. If they have been anticipated, they scrutinise the patents which have been granted, and by insignificant improvements, which the simplest practice would suggest, or which were implicitly involved in the idea of the inventor, they acquire a legal right to interfere, and then extort tribute from the original patentee or from the trade.'

Before the Report of the Royal Commission was divulged, it was felt by those who in this country carry on the trade of patenting and amercing other men's inventions, which a Patent Law has likewise developed in France, that 'the abuses of 'the time want countenance;' and we rejoice that the Commissioners have refused to lend it. The last sentence of their Report states their opinion respecting 'the inconveniences now 'generally complained of as inherent to the working of the 'Patent Law,' in the following significant terms:—'They 'are in their belief inherent in the nature of a Patent Law, 'and must be considered as the price which the public consents 'to pay for the existence of such a law.' And those who study the entire Report and the Evidence on which it has been based, will perceive that in any attempt to reform the present Patent Law, the Legislature must at every step be placed in a dilemma, with only a choice of evils. Whether the cost of patents be reduced or not; whether or not imported inventions be allowed a patent; whether or not a preliminary inquiry be made into the utility or novelty of alleged inventions; whether or not licences be made compulsory; whether or not complete specification be required and published at the time of the granting of the patent; whether or not the patent be held to cover equivalent applications of the principle; whether the prolongation of

patents be permitted or not;—whichever alternative in each of these cases be adopted, injury to the public and injustice to inventors must ensue. If the present cost of patents be maintained, patents are not for poor men, and the majority of inventors must be liable to deprivation of the use of their own inventions, and, therefore, driven to conceal them. If, on the other hand, patents were cheapened, monopolies, obstructions, and dangers would be multiplied in proportion, and manufacturers would become unable to move. If, again, patents be granted for imported inventions, this country is placed at a grievous disadvantage in competing with countries in which the same inventions are worked freely; encouragement is given, as the Commissioners observe, to unscrupulous persons to monopolise the inventions of foreigners, and the present facilities of communication have done away with the only assignable reason for giving to a mere importer the privileges of an inventor. But if for these reasons proof of prior use or publication abroad is to invalidate a patent, no patentee could meet, and no judges could adjudicate upon, the evidence that might be forthcoming from foreign countries. Thirdly, a preliminary inquiry by official examiners would not relieve inventors and manufacturers in general from the necessity of examining for themselves all specifications, and even of foreseeing future patents which may come into force before they can complete contemplated improvements; and if patents may be refused on the ground of the apparent inutility of the invention, a really great invention would be the one most likely to be rejected even by the best examiners. Brindley's first aqueduct was called a castle in the air by a leading engineer; Sir H. Davy condemned the lighting of streets with gas; Dr. Lardner demonstrated that a steamer could not cross the Atlantic; and railway locomotion was ridiculed by the engineering profession. And if the novelty of inventions be made the subject of inquiry, the examiners must undertake an impossible task; they cannot know the contents of all specifications and books, far less the contents past and present of all workshops; and their certificate of novelty would, therefore, be an imposition upon the public, the more so as the question of novelty is one of technical law as well as of fact. If, however, on these accounts no preliminary inquiry is to be made, the evil of frivolous and obstructive patents remains.

As to compulsory licences, it is evident that the sum which ought to be charged cannot be fixed, yet if a licence may be refused, the holder of several patents, or perhaps of even one, may drive every competitor from the market. If, in the next

place, full and public specification be required at the time of the granting of the patent, inventors would be called upon to specify in detail without having made the open experiments which are often essential to complete an invention; yet if provisional and secret specification be permitted as at present, it remains dangerous to mature and perfect an invention lest a crude idea of it should be patented beforehand by a rival.

Lastly, if patents are never prolonged beyond fourteen years, trifling inventions, which succeed quickest, really get the longest monopoly and the greatest encouragement. On the other hand, the prolongation of patents is open to several fatal objections. The unprofitableness of the patent may be the patentee's own fault, and it is impossible for a Court to verify the actual profits. And if the doctrine were to be acted on that the duration of the patent should be such as to secure adequate remuneration to the inventor, it would be necessary 'to adjust the terms of patents in every case, for they all 'differ; one man may be largely remunerated in three years, 'and another man may not be remunerated in fourteen.'* Besides, 'after the expiration of fourteen years, you are, as 'it were, going back to the state of things which existed 'fourteen years before, though the probability is that great pro-'gress has been made in science and in machinery in that pe-'riod.'† And 'the uncertainty whether a prolongation will 'or will not be granted is an evil to all parties concerned.'‡

Thus on every side the reform of the Patent Law is surrounded with insuperable difficulties, and its evils are therefore inherent in its nature and policy, as the Commissioners pronounce. Nor can we entertain the hope they faintly profess, that the changes they propose will do something to mitigate the present evils resulting from the Law. We think, on the contrary, that so long as letters patent are held legal, their evils must daily increase with the mass of specifications, the amount of foreign competition, and the frequency of simultaneous invention through the diffusion of intelligence and scientific knowledge; and we confidently expect that when this subject has been fully considered and discussed, the views we have here expressed will eventually prevail.

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* Evidence of Henry Reeve, Esq., 106.
† *Ibid.*, 104.
‡ Report of the Commissioners, p. xiii.

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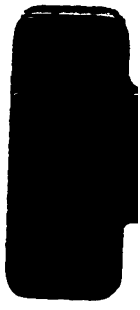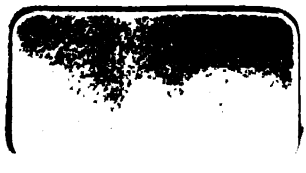
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